

UVA LAWYER

SPRING 2020

DEMOCRACY:



WHAT
NEXT?



From Dean Risa Goluboff

WHEN WE BEGAN PLANNING THIS ISSUE of the UVA Lawyer, we decided to focus on the state of democratic governance in the United States and the world, a project that has been central to this law school since its inception. Though only a few short months have passed, that moment feels a lifetime ago. The global COVID-19 pandemic has transformed all of our lives on every level, leaving me, and I suspect many of you, with a sense that we will always think of life before and after it.

Here at the Law School, it has been an extraordinary time to be dean. In just the few days since the University moved classes online in support of the public health, our students, faculty and staff have more than risen to the challenge. Their compassion, generosity and resilience make me more grateful than ever to be the leader of an institution that pulls together in tough times. Each of us and each of you will experience losses great and small, which makes it more important than ever to support each other. During uncertain times, let us count on good friends.

The enormity of this crisis both puts the challenges facing democracy in perspective and underscores their critical importance. With the 2020 election looming, the rise of populism worldwide, and a contentious impeachment process only now behind us in the United States, many Americans are wondering how sound our form of democracy is, and how well it can serve us now and in the future.

Throughout our history, the Law School's mission has been intimately engaged with the nation's democratic values and their vindication. Though who makes up our intellectual community has broadened in every conceivable way from our founding, we continue to train our students for service to society and support our faculty as they gain new understanding of the law within its democratic context. We recently deepened this engagement when we launched the Karsh Center for Law and Democracy, with a historic gift from Martha Lubin Karsh '81 and Bruce Karsh '80. In asking, as our cover story does, what's next, we draw on the expertise of faculty and alumni focused on campaign finance reform, bribery and corruption, voting, free speech, and executive power here and worldwide. We also profile an alumnus diving right into these waters as the new governor of Kentucky, Andy Beshear '03.

This issue does so much more than describe our fortitude in the face of the uncertainty of our public health and our efforts to better understand and support our chosen form of government. It also celebrates those who have newly arrived at the Law School and those moving on to new adventures. We highlight the amazing things our students, faculty and alumni have accomplished. And we commemorate those, like John Merchant '58, the Law School's first black graduate, who have made us who we are today.

As we put the finishing touches on this issue, I feel acutely the importance of publications like this one. More than ever, they bring us together across time and space and remind us of our shared mission and our connected community. More than ever, the UVA Law community sustains us today and renews our faith in a better tomorrow.



EDITOR-IN-CHIEF
Mary M. Wood

ASSOCIATE EDITOR
Eric Williamson

PHOTO EDITOR
Warren Craghead

CLASS NOTES AND ALUMNI BOOKS EDITOR
Denise Forster

CONTRIBUTING EDITOR
Mike Fox

CONTRIBUTORS
Mark F. Bernstein '89
Julia Davis
Mike Fox
Natalie Russell
Alec Sieber

ART DIRECTION & DESIGN
Bill Womack
Helios Inc.

PRODUCTION ASSISTANTS
Kirsten Niemann
Allison Profeta
Helios Inc.

COVER ILLUSTRATION
Jon Krause

ADDITIONAL PHOTOS
Dan Addison/UVA Communications
Jesús Pino
Aguilar Photography
Ian Bradshaw
Tom Cogill
Tom Daly
Julia Davis
Robert Llewellyn
Sanjay Suchak

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FEATURES

	<i>Marking a Decade of the Public Service Program</i>	10
	<i>A New PLACE for Environmental Law</i>	13
	<i>The Bluegrass Governor</i>	20
	<i>Why Millennials Are Guiding Corporate Governance</i>	26
	<i>Democracy: What Next?</i>	29
	<i>Ambassadors for Law of the Sea and National Security</i>	48
	<i>She Sought Fairness in Finance</i>	52
	<i>Library Acquires Jefferson Letter</i>	56
	<i>The Artful Alum</i>	70
	<i>School's First Black Graduate Remembered</i>	78

DEPARTMENTS

DEAN'S MESSAGE 1

QUOTED 4

DISCOVERY 6

SHARING 18

5/10/15/25 22

FACULTY NEWS 57

VITA 69

CLASS NOTES 75

ALUMNI BOOKS 96

IN MEMORIAM 98

THE LAST WORD 100

SANJAY SUCHAK/UVA COMMUNICATIONS



▶ Graduating UVA students donned their caps and gowns early to take one last look at the Lawn before snapping some pictures and heading home.

“A lawful killing during an armed conflict does not constitute an assassination. As a legal matter, if he were intimately involved in planning and blessing these attacks, then that doesn’t seem to render it as assassination.”



—PROFESSOR ASHLEY DEEKS, on the U.S. drone strike that killed Iranian military commander Qassem Soleimani (NPR)

“Counties do not have any independent authority to create sanctuaries from state law. State law applies equally to people in a sanctuary county and outside a sanctuary county.”



—RICHARD SCHRAGGER, on “Second Amendment sanctuaries” in Virginia (BBC)

“The judge is gone, but their judgment still is very hard to unwind. It’s like the Cheshire Cat: The cat is gone, but the smile is still there. I think that is not a great remedy.”



—PROFESSOR JOHN DUFFY, testifying before Congress on a Federal Circuit decision allowing the director of the U.S. Patent and Trademark Office to fire Patent Trial and Appeal Board judges (Law360)

“The best leadership advice I received is that a good leader should be decisive. If a leader makes a good decision, she should give credit to her staff. If she makes a bad decision, she should take all of the blame.”



—ERICA WILLIAMS '98, partner at Kirkland & Ellis; Women, Influence & Power in Law honoree (Corporate Counsel)

“Legislators have no special claim that court appearances are more inconvenient to them than to all sorts of other busy people doing important jobs.”



—PROFESSOR DARRYL BROWN '90, on privileges attorneys who serve in the General Assembly enjoy to obtain continuances (The Associated Press)

“The phrase is asking us to think about what unites treason and bribery, and what unites treason and bribery is offenses that speak to disloyalty.”



—PROFESSOR DEBORAH HELLMAN, commenting on the Constitution’s impeachment clause “Treason, Bribery, or other high Crimes and Misdemeanors” (The Daily Progress)

“Statements by lawmakers routinely assume the [Equal Rights Amendment] would apply to the private sector and completely fail to recognize how it would prohibit government policies designed to benefit women.”



—PROFESSOR KIM FORDE-MAZRUI (UVA Today)

“Foreign relations provide an example of a broader phenomenon: Some questions that are often seen as turning on inherent executive power actually turn on the reach of congressional power.”



—PROFESSOR JOHN HARRISON, writing in his five-part series on executive power and the rule of law for The Volokh Conspiracy blog (Reason)

“Environmental federalism gets cloaked in the language and rhetoric of constitutional law, but it’s really a simpler, more pragmatic concept: Who is responsible for cleaning up a toxic waste landfill that’s reached into a nearby river?”



—PROFESSOR CALE JAFFE '01 (The Christian Science Monitor)

“Being a woman and seeing how Silicon Valley is in many ways still not as diverse, or even close to being as diverse, as it should be, I feel really invested in wanting to make certain that these general counsel are successful.”



—SUSAN MUCK '86, co-chair of securities enforcement and corporate governance at Fenwick & West, was named a Law360 2019 Securities MVP (Law360)

“The current rules based on century-old tax treaties are ill-suited to the demands of the digital economy and need urgent reform.”



—PROFESSOR RUTH MASON (The Conversation)

“Justice Elena Kagan started nearly 50 sentences with ‘But’ or ‘And’ in her 25-page majority opinion, while Justice Neil Gorsuch did it more than two dozen times in his 18-page concurrence.”



—JOE FORE '11, in his inaugural column on legal writing (Virginia Lawyer)

“Research is very clear that low-income children need additional resources to compete on a level playing field with their more affluent peers.”



—PROFESSOR KIMBERLY JENKINS ROBINSON, discussing the U.S. Supreme Court case San Antonio Independent School District v. Rodriguez (“Common Law”)

Quoted

With classes moved online since March 19 and most staff working remotely, places such as the Class of 1977 Terrace will be empty this spring.

Discovery

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW
NOW

IN THE WAKE OF CORONAVIRUS

IN THE SPAN OF EIGHT DAYS, the novel coronavirus changed almost everything about how the Law School operates. Transitioning to online courses and working remotely was an unprecedented effort involving faculty, staff and students acting cooperatively and nonstop since the University announced March 11 that classes would move online.

“It took everybody working across departments, it took the faculty, it took the students,” said Senior Associate Dean for Administration Stephen T. Parr, who helped lead the effort. “It meant being flexible, being cooperative, working at night and on the weekends, around the clock, to get classes online.”

The Law School moved 139 courses, taught by 159 instructors, online.

On March 17, two days before online classes were set to launch, most staff learned from UVA President Jim Ryan '92 that they would be working remotely by that Monday, and that the Law Library would close. Some employees would continue to run the essential operations of the school on-site. Law Alumni Weekend

was rescheduled to May 14-16, 2021. Final plans for graduation are still being determined, though graduation will not proceed on May 17 as planned.

“As difficult as it was to make this major shift in operations, we have to put the health of our community first,” Dean Risa Goluboff said. “It’s not the semester we all envisioned, and my heart goes out to 3Ls who hoped for a typical graduation. But at the same time, I am so proud of how the community has pulled together in a monumental effort to make this work.”

Perhaps the department most taxed by the move online has been Law IT, which has been on the frontlines of working with faculty to offer courses online and helping staff prepare to work remotely.

“[Assistant Dean for Academic Services] Jason Dugas and [Chief Technology Officer] Gary Banks and their teams worked tirelessly with every single class,” Vice Dean Leslie Kendrick '06 said. “The Law IT team showed once again that they are absolute heroes.”

Some faculty members are recording their courses from Law School classrooms, and others are recording *(continues on page 8)*

ACCOLADES

1 MAHA ALBESHARAH S.J.D. '19 has returned to her home country of Kuwait to teach business law as a professor.

2 SAMI GHUBRIL '19 won the Bob Barker Prize for his paper on the dwindling horseshoe crab population.

3 RACHEL BARNES J.D.-MBA '21 was elected national chair of the National Black Law Students Association after serving a partial term in 2019-20. UVA BLSA also won NBLSA national chapter of the year.

4 MEGAN MERS '19 and **HENRY DICKMAN '19** (pictured) won the 91st William Minor Lile Moot Court Competition. **ABBEY THORNHILL '19** won the Stephen Pierre Traynor Award for best oralist.

5 TIM SHRIVER '22 and **CHRIS YARRELL '22** are the 2019 recipients of the Palmer Public Service Scholarship.

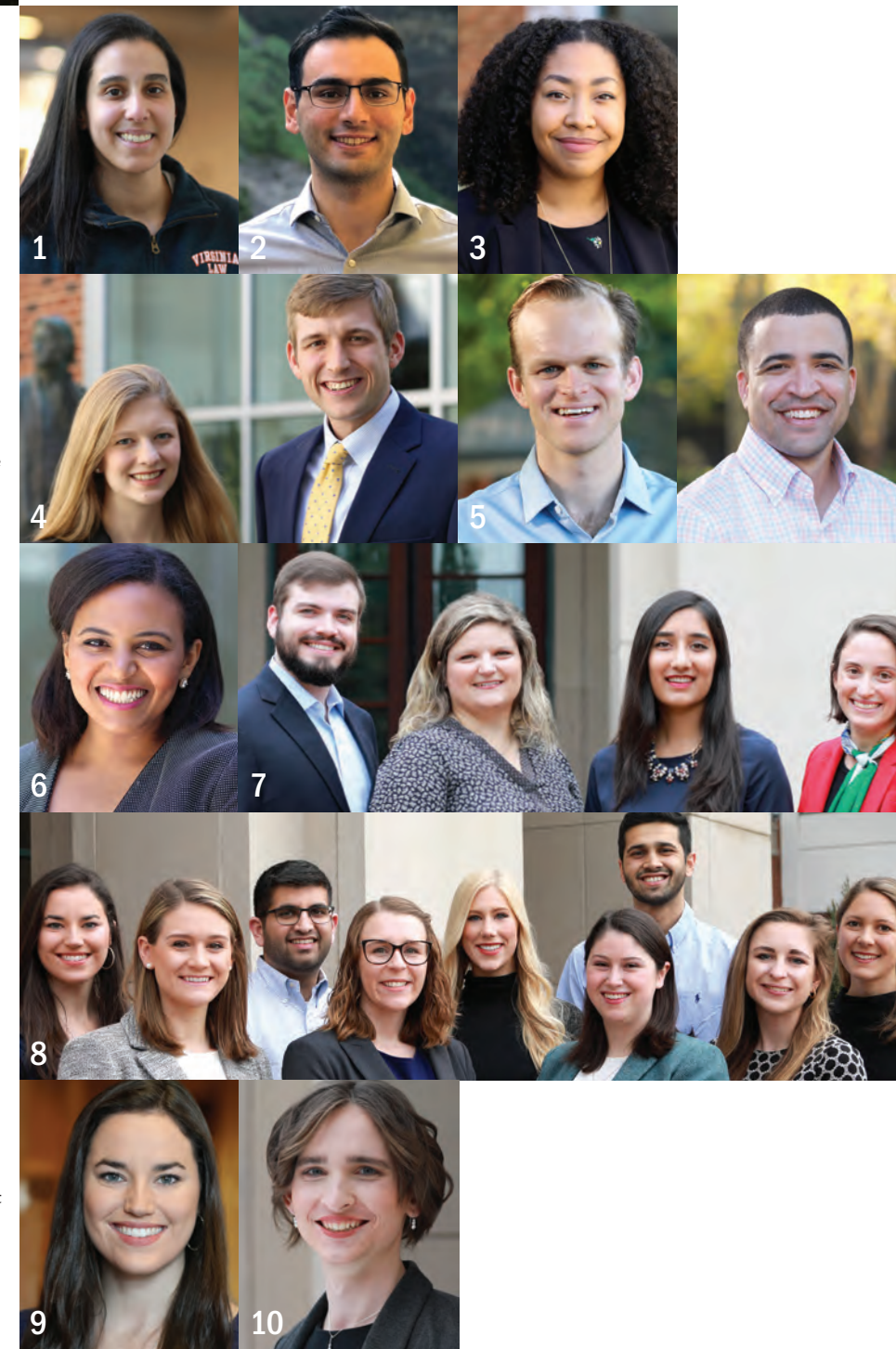
6 ERIN SEAGEARS '20 is this year's recipient of the Gregory H. Swanson Award, named in honor of UVA and the Law School's first black student.

The 2019-20 Ritter Scholars are **READ MILLS '20**, **MOLLY CAIN '20**, **MANAL CHEEMA '20** and **ELEANORA KALOYEROPOULOU '20**.

8 ARJUN OGALE '21 (third from right, with board members) was named editor-in-chief of the Virginia Law Review.

9 KATHARINE JANES '21 was elected president of the Student Bar Association

10 CHLOE FIFE '22 was selected as president of Lambda Law Alliance—the first transgender woman to hold the position.



IN THE WAKE OF CORONAVIRUS FROM PAGE 6

from home. Early on, each had to decide whether to offer their classes online via Panopto, the Law School's recording system that captures audio and video off the computer screen, or Zoom, an online meeting tool.

Since online classes launched, Professor Andrew Hayashi has held two classes using both Zoom and Panopto, and conducted an S.J.D. dissertation defense.

"It's not terribly enjoyable to talk to yourself in front of a screen rather than be with our students," Hayashi said. "At the same time, I've discovered that it's helpful for students to see me scribble notes on my PowerPoint slides in real time so they can follow along as I draw their attention to particular parts of the law or the problem. I plan to do this when I get back to giving lectures in person."

He added, "Students have been patient and diligent, and it's been yet another reminder of why they are the best in the country."

Assistant Dean for Student Affairs Sarah Davies '91, along with SBA President Katharine Janes '21 and former President Jasmine Lee '20, have been addressing issues of student concern. In the days after classes first launched, Davies and her team worked as liaisons between students and IT staff to address connectivity issues for people in more remote locations.

"I expect the technical issues will work themselves out as we get further into online provision of classes," Davies said.

Student Affairs also worked with Building Services to send belongings in lockers to students, and coordinated with the library on the need for online access to textbooks. Though now closed, the library led an effort to scan course materials for students who could not access their books and worked with publishers to get materials to students.

"We have worked online and by phone counseling students regarding academic issues, anxiety, stress, family concerns and other personal issues," Davies said.

International students, including LL.M. or S.J.D. students, have their own concerns about next steps.

"Many of them are trying to figure out whether they can go back home or not, and whether they should go back home or not," Parr said.

Assistant Dean for Graduate Studies

Adriana Vito said that since UVA shifted to remote work, she has been meeting with LL.M. students individually through Zoom to address their concerns. She is also hosting a group Zoom meeting on Friday afternoons for LL.M. and S.J.D. students "to connect, cheer each other up and maintain our sense of community."

"Last week we had 35 students attend our Zoom call, including a student who left for Germany and enthusiastically joined us from there," Vito said. "It is a joy to see students reconnect and support each other through this."

Goluboff also scheduled a series of "coffee breaks" with each class of students via Zoom.

Davies said moving to a remote working environment is tough for everyone.

"We have to make space in our homes that we did not ordinarily have. We have to share our workspaces in ways that we don't ordinarily," she said. "I know I get lonely without the in-person interactions that punctuate my normal day."

Student Affairs is working to build community online in other ways.

"We recently established Facebook groups open to the Law School community that offer some respite from the onslaught of news that we are all getting, and as a way to deal with some of the boredom that comes with social isolation," Davies said.

Janes, the new SBA president, has been gathering student feedback, questions, comments and concerns to ensure they are heard by the administration.

In the week classes went online, "that meant collecting over 800 responses to a student survey on grading policies, so that any decision made by the administration was informed by student input. Our goal is that students receive all the physical, emotional and technological support needed to get through this incredibly difficult time, however we can make that happen."

Janes said her own classes online "have been going great."

"Many of mine are happening via Zoom, and my professors are adapting quite well to the new technology," Janes said. "The hand-raising function, in particular, is making class resemble in-person instruction in a way that I didn't expect."



**UVA LAW
LEADS
NATION
IN
PRINCETON
REVIEW
RANKINGS**

THE LAW SCHOOL now ranks No. 1 in Best Classroom Experience, and continues to rank No. 1 in Best Professors and Best Quality of Life, according to The Princeton Review's annual law school rankings, which were released in November.

As part of the 2020 rankings, the Law School is also No. 2 in Best Career Prospects, No. 4 in Toughest To Get Into and No. 4 in Best for Federal Clerkships, a new category.

Only UVA Law and Stanford Law School cracked the top five in all six of these categories.

The Law School has been ranked No. 1 in Best Quality of Life since the 2015 rankings and in Best Professors since the 2018 rankings. The Princeton Review factored in data from surveys of 19,000 students attending 167 law schools in the United States, and of administrators at those schools.

—Mike Fox

▶ The federal courthouse in Lexington, Kentucky.



**FUELED BY
2019 GRADS,
104 ALUMNI
CLERKING
THIS TERM**

TWENTY PERCENT of UVA Law alumni who graduated in 2019 are serving in judicial clerkships nationwide, the highest percentage for a single class since at least 2008.

Out of 286 J.D. graduates, 57 alumni from the Class of 2019 are clerking, including 21 in federal appellate circuit courts.

In total, 104 alumni are clerking this term, a new school record. Thirty-eight alumni are clerking in federal appellate circuit courts, tying a record set in 2018.

Jessica Wagner '15 is clerking for U.S. Supreme Court Justice Samuel Alito. UVA Law is No. 4 after Yale, Harvard and Stanford in placing clerks on the U.S. Supreme Court from 2005-19.

Ruth Payne '02, senior director of judicial clerkships, said the clerkship market has shifted considerably in the past few years, and in many of the biggest markets, judges prefer to hire clerks with a year or more of post-J.D. experience.

"Many of our alumni have remained active and engaged in the clerkship application process even as they begin practice," she said, "and they have been able to take advantage of wonderful opportunities to work with some fantastic judges a year or two, or more, after graduating from law school."

The Class of 2018 was ranked No. 1 in Law.com's analysis of landing "elite jobs," defined as working in a large law firm or a federal clerkship. UVA Law was No. 4 in federal clerkships for the Class of 2018.

—Mike Fox



**DANIEL
RICHARDSON '18
TO CLERK
FOR
U.S. SUPREME COURT
JUSTICE STEPHEN BREYER**

DANIEL RICHARDSON '18 will clerk for Justice Stephen Breyer at the U.S. Supreme Court next term.

Richardson is currently serving as one of five Bristow Fellows in the Office of the Solicitor General in the U.S. Department of Justice, helping attorneys draft briefs in Supreme Court cases and prepare for oral arguments.

He called the clerkship "a dream come true," not only as a lawyer but for the chance to learn from some of the best legal minds in the profession.

"The opportunity to clerk is also very meaningful to me on a personal level," he added. "I have spent my entire career since undergrad in federal service of some kind, and I feel so fortunate that I can continue that work at an institution that means so much to the country."

Richardson's first clerkship was with Judge J. Harvie Wilkinson III '72 of the Fourth U.S. Circuit Court of Appeals.

"Judge Wilkinson is an amazing teacher, so in many ways the year working with him is a continuation of your legal education," Richardson said.

At UVA Law, Richardson

earned the Faculty Award for Academic Excellence for graduating with the highest GPA in the Class of 2018. In addition, he was awarded the Traynor Prize at graduation, which recognizes written work by two graduating students each year. He also received the Jackson Walker LLP Award, and served as the editor-in-chief of the Virginia Law Review, president of the Virginia Employment and Labor Law Association, and vice chair for career and alumni engagement for Lambda Law Alliance. Like several other UVA Law graduates who have clerked for the court, he participated in the Supreme Court Litigation Clinic.

Richardson credited the many faculty members who helped him succeed.

"There are so many faculty who take the time outside of their usual jobs to make calls, do mock interviews and advise students about these positions," he said.

Richardson graduated with a B.A. in political science and a B.S. in public management from James Madison University.

—Mike Fox



➤ At a December panel at the Law School celebrating the 10-year anniversary of the Program in Law and Public Service, Jeree Thomas '11 speaks with a student as Aditi Goel '12 looks on.

➤ Melanie Smith '11 is an assistant U.S. attorney in the Northern District of Texas.

➤ Professor Crystal Shin '10 has led the Program in Law and Public Service since 2017.

➤ At an anniversary dinner for the program, UVA President Jim Ryan '92 urged students, when they become new lawyers, to use their legal training to help others.

FINDING SUCCESS IN PUBLIC SERVICE

WHAT MORE ALUMNI FELLOWS ARE DOING

AS A PROGRAM OFFICER for Borealis Philanthropy, Jeree Thomas '11 works in what is, for her, a dream job. She gets to help resource and fund other groups working to decrease police violence and increase law enforcement transparency.

Thomas began her path in criminal justice reform as one of the first students in the Law School's Program in Law and Public Service. This school year, the program is celebrating its 10th anniversary of launching students into successful and gratifying careers.

"I learned about what it means to be an effective community-oriented public service lawyer from my courses in the program, and most importantly as I've

When UVA President Jim Ryan '92 founded the Program in Law and Public Service in 2009 as a Law School faculty member, the program was small but ambitious. Students supported each other.

"The benefit of having a small community at the time was we all found each other," Smith said.

In the years since, the program has initiated a number of ambitious programs, including an enhanced curriculum with experiential classes and a peer mentoring program. Fellows are required to spend at least one summer working in the field of public service, with funding guaranteed by the program subject to the Law School's pro bono requirements.

as a Skadden Fellow at the Legal Aid Justice Center in Charlottesville, then went on to be the policy director at the Campaign for Youth Justice. She said the program led to job connections.

"I've met not one but two of my employers at the law and public service conference," she said. (Today, the conference is known as Shaping Justice.)

Goel said faculty mentoring within the program was just as important to her career as the mentoring she received in the working world.

"It was only through this program that I developed a strong relationship with my program mentor, Professor Anne Coughlin," Goel said. "She went to bat for me

ners to participate.

"As co-directors of the program for several years, Anne and Josh taught courses within the program, implemented various programming, and helped raise the profile of the program both within and outside of our law school," Shin said. "They laid the foundation for this program to become the robust and comprehensive program it is today, and they continue to be involved as instructors and mentors."

Shin said the program has experienced record-high applications in recent years.

"We hear from numerous students that they chose UVA Law because of the Program in Law and Public Service," Shin said.

And students' participation in the program can pay off even before graduation.

Mary Maerz '20 met PETA General Counsel Jeffrey Kerr '87 while taking the first-year Law & Public Service class. Maerz worked for PETA during a subsequent summer and ultimately landed a job as PETA counsel, to begin after she completes a clerkship.

"I decided to attend law school only to pursue an animal rights career," Maerz said. "At the beginning of my first year, I had professors and upper-class students say to me that one of the most difficult things to do throughout law school is to stay as passionate about something as you were when you started. The Program in Law and Public Service helped me stay connected to my big picture and the animal rights field. I am extremely grateful for the support that Professor Shin and the program gave me."

—Eric Williamson

Cory Sagduyu '18
Staff attorney, Skadden
Fellow at Ayuda

Maya Iyyani '18
Powell Fellow in Legal
Services, Bay Area
Legal Aid

Jeremy Bennie '18
Staff attorney,
The Bronx Defenders

Maggie Birkel '18
Attorney, Still She
Rises, Tulsa (Okla.)

Megan Watkins '16
School board attorney,
Henrico County

Andrew Chen '15
Staff attorney, Bet
Tzedek Legal Services

Mario Salas '14
Attorney, JustChildren
Program, Legal Aid
Justice Center

Robyn Bitner '14
Counsel, National
Student Legal Defense
Network

Kim Rolla '13
Attorney, Civil Rights &
Racial Justice Program,
Legal Aid Justice
Center

Vivian Kim '12
Assistant U.S. attorney,
U.S. Attorney's Office
of the District of
Columbia

10 YEARS LATER, PUBLIC SERVICE PROGRAM REMAINS A LABOR OF LOVE

navigated my career, my fellow classmates have been among the first I've called on to partner with in the work," she said.

The program is designed to provide a select group of students the opportunity to receive a tailored curriculum and intensive training that will prepare them for public service careers. Each year, about 25 first-year fellows are admitted to the program, and up to five slots are available for second-year applicants.

In December, Thomas joined program alums Melanie Smith '11 and Aditi Goel '12 for a panel at the Law School hosted by the program, part of activities honoring the decade milestone.

Smith is an assistant U.S. attorney in the Northern District of Texas, and Goel is a clinical instructor at Harvard Law School's criminal justice clinic.

Goel, who is now in her third year of training law students at Harvard, cut her teeth as a public defender representing indigent clients.

She, like Thomas and Smith, didn't sugarcoat a career in public service. The work is demanding, and the reward is often on the human level rather than financial.

"It's very much about standing next to your client and putting up a fight," she said. "There's a lot of social work stuff that goes on too."

The program also benefits from the support of the Mortimer Caplin Public Service Center, and the numerous public service fellowship opportunities the center offers and provides counseling for. Graduates of the program are eligible for the school's Virginia Loan Forgiveness Program.

Thomas began her career working directly with clients



ABC

'20/20'
PRODUCER
JANICE JOHNSTON '95
TO SPEAK AT
COMMENCEMENT

EMMY AWARD-WINNING TELEVISION PRODUCER Janice Johnston '95 was selected to serve as the school's commencement speaker. As UVA Lawyer completed production, the University was exploring alternative plans for Final Exercises due to operations changes caused by COVID-19.

Johnston, a senior producer and director with ABC News, is known for her work on "20/20," "Good Morning America" and "ABC News Specials."

"We wanted someone who would bring a new and unique perspective from speakers we've had in the past," Rachel Staub '20 and Timothy Sensenig '20 said in a joint statement. "We also wanted someone who would fit the personality of the class: ambitious, successful, diverse and spirited. We believe Ms. Johnston fills this tall order."

In 2017, Johnston won an Emmy—her sixth—for the "20/20" episode "Las Vegas: Heartbreak and Heroes," in the Outstanding Coverage of a Breaking News Story in a Newsmagazine category. The episode documented the work of first responders after a shooter fired on attendees at a country music concert, killing 58 people and wounding more than 400 others.

Johnston's assignments have taken her to a range of places, from the White House to Mount Kenya. She has also worked on 11 Country Music Association Awards shows for ABC. Johnston, a longtime country music fan, has produced shows with everyone from Luke Bryan to Taylor Swift.

"Law school taught me how to think about the multiple angles of a story," she told UVA Lawyer in 2014. "In my work, storytelling is shaped by asking questions. I focus hard on what we are going to ask."

In addition to her Emmys, Johnston has received George Foster Peabody Awards, Salute to Excellence Awards from the National Association of Black Journalists, an NAACP Image Award nomination and, most recently, the 2019 Christopher Award for "One Way Out: Thailand Cave Rescue." (The Christopher Awards "affirm the highest values of the human spirit.")

—Eric Williamson

Jenny Kwun '21 and Nicole Pidala '21 are co-presidents of Virginia Law First-Generation Professionals.



JULIA DAVIS

NEW ORGANIZATION HELPS GUIDE FIRST-GENERATION STUDENTS

VIRGINIA LAW FIRST-GENERATION PROFESSIONALS, a new student group at the Law School, is helping students identify resources and make connections in ways that may not be obvious to students whose parents didn't take the same path.

Co-Presidents Jenny Kwun '21 and Nicole Pidala '21 were the first in their families to attend graduate school, and they said they want to help others like themselves who are studying at UVA Law.

After a fall Student Affairs Office meeting in 2018 that introduced first-year students to the Law School's resources, including ones tailored for first-generation students, students expressed interest in creating a formal group in the spring.

"Peer Advisors are a great resource, but I think it's just good to have somebody you can talk to just about first-generation stuff," said Kwun, an immigrant from Korea.

The group offers a mentorship program spearheaded by Josh Dupre '21 and Erin Edwards '21. It pairs 1Ls with other students who have similar backgrounds or experiences.

The organization also has held office hours to answer students' questions about which courses to take to meet their academic goals. Faculty and staff were invited at the beginning of the academic year to introduce career, academic and mental health resources that are present at the Law School.

—Mike Fox



ROBERT UELAND

A NEW ENVIRONMENTAL FOCUS: UVA LAW LAUNCHES PLACE

A NEW PROGRAM housed at the Law School will work to examine, and hopefully help solve, community-level environmental dilemmas—all in one PLACE.

The Program in Law, Communities and the Environment will serve as the new umbrella for the Law School's environmental law programming. In addition, PLACE will provide resources targeted to teaching and interdisciplinary research on questions of environmental law and social justice as they relate to diverse communities and places across the globe. PLACE will serve as an invitation to peers to collaborate, offering resources to advance their teaching and scholarship. The program will be funded in part by the Henry L. & Grace Doherty Charitable Foundation.

"The program's focus will be on communities and the issues they face in a time of environmental and social change, including efforts to mitigate and adapt to climate change, ensure environmental justice, and protect quality of life in localities, cities and regions," said Professor Jonathan Z. Cannon, who leads the program. "Those issues will differ from issues posed at the national or international level but will connect in crucial ways to what's happening at these larger scales."

Cannon is allied in his efforts by other UVA Law faculty working in the area.

Cannon joined the Law School faculty in 1998 from the Environmental Protection Agency, where he served as general counsel, among other roles. At UVA, he is the Blaine T. Phillips Distinguished Professor of Environmental Law and directs the school's environmental law efforts.

He is also a noted environmental scholar and change agent. While at the EPA, he wrote the legal memo that would undergird a key U.S. Supreme Court decision affecting climate policy—*Massachusetts v. Environmental Protection Agency*.

As weather events become more dramatic and ocean levels rise, there will be chain reactions beyond just the immediate threats posed—ripples that will affect communities across the nation.

Cannon noted that in Miami Florida's Little Haiti, for example, sea level rise has fed claims of climate gentrification as wealthier residents fall back from the shoreline.

"Generally, the concern is poorer populations have less ability to adapt," he said. "That's true domestically and internationally."

Climate change impact is just one example of the work that will be done by PLACE, which will examine multiple types of environmental issues in communities, Cannon said.

—Eric Williamson



JUVENILE JUSTICE EXPERT

ANDREW BLOCK

REJOINS FACULTY

JUVENILE JUSTICE and child advocacy expert Andrew Block, who helped transform the Virginia Department of Juvenile Justice as its director, has rejoined the Law School faculty.

He is teaching Children and the Law in the spring and launching a new State and Local Government Policy Clinic in the 2020-21 academic year.

“Andy is bringing back a wealth of experiences to share with our students, and we’re excited to have him back,” Dean Risa Goluboff said. “His new clinic will offer exciting ways for students to put their legal educations into practice, provide needed resources for the development of law and policy, and serve the public.”

Block last served on the Law School faculty from 2010-14, when he directed the Child Advocacy Clinic. Before joining UVA, he founded and was the legal director of the JustChildren program of the Legal Aid Justice Center.

He left the Law School to lead the Department of Juvenile Justice, and instituted major reforms, including reducing the number of youth in state facilities by almost two-thirds, closing two state correctional facilities, and securing legislative support to reinvest the savings from those closures into a statewide network of community-based services for youth and their families.

“We were able to really transform a lot of the work of the agency,” Block said. “We implemented evidence-based practices and treatment programs across Virginia, and hit all-time lows for numbers of new cases coming into the system, numbers of youth on probation and the numbers of youth in locked facilities.”

Block said the new clinic will give students interested in government work an opportunity to help legislators and other state and local officials craft policy.

“Policymakers in Virginia, whether they are on a state or local level, never have enough time to tackle all of the issues they want to address,” Block said. “Hopefully the new clinic can help address that problem by providing additional research and analytic support for our government officials.”

He said he expects students to benefit significantly from the clinical experience.

“For students interested in government work, my goal is for the clinic to provide them with a chance to learn about policymaking in a direct and hands-on way, while also having a positive impact on life in the commonwealth,” Block said. “I am also hopeful that participating in the clinic will give students a better understanding of the vital and compelling work of both state and local governments.”

Block is a graduate of Yale University and Northwestern Law School. He has also worked as a staff attorney for the Seattle-King County Public Defenders and as a staff attorney for TeamChild, a legal aid program dedicated to juvenile justice issues.

“I’m excited to be back,” Block said. “I’m grateful that the dean has started this new clinic and is giving me the opportunity to stand it up and help it succeed. I really expect it to be a win-win for policymakers as well as our students.”

—Mary Wood

WATER LAW

EXPERT

LEON SZEPTYCKI

REJOINS FACULTY

LEON SZEPTYCKI, an expert in water law and policy, has rejoined the Law School faculty.

Szeptycki most recently served as executive director of Water in the West, a program at the Stanford University Woods Institute for the Environment. In that role, he oversaw an interdisciplinary research program focused on water scarcity problems in the American West.

He was a member of the UVA Law faculty from 2006-12, when he directed the Environmental Law and Conservation Clinic (now offered as the Environmental and Regulatory Law Clinic).

In his return to UVA, Szeptycki is serving as a professor of law, general faculty and associate director of UVA’s Environmental Resilience Institute. He will teach Water Law and Policy in the spring at the Law School and plans to lead a course on Natural Resources Law as well.

“We are so pleased to have Leon back at the Law School. He will add to the rich diversity of scholars in our Program in Law, Communities and the Environment, as well as deepen our interdisciplinary connections on environmental issues across Grounds,” said Dean Risa Goluboff. “He is on the forefront of water issues in a part of the country where policy and planning are critical to both preserving the environment and providing for people.”

At Stanford, Szeptycki’s work focused on issues related to stream flow restoration in the context of the Western appropriative rights system, which developed during the settlement of the West. The legal doctrine says the first person to take a quantity of water from a source for “beneficial use” has the right to continue to use that water for that purpose. This system of property rights makes re-allocation of water for new uses and for the environment difficult.

“Water is essential for life, and yet we all take it for granted,” he said. “If you ask most people where their water comes from, they

are likely to say ‘the tap.’ Getting that water to the tap involves a range of technical, legal and governance challenges that I find endlessly fascinating.”

Climate represents a particularly pressing challenge for water law and policy.

“Over the last five or six years, it’s become clear that the climate is affecting the availability of water resources on a very rapid time frame, and we need to move more quickly than we are.”

Early in his career, he served as the Eastern conservation director and general counsel for Trout Unlimited, a national conservation organization devoted to the protection and restoration of trout and salmon rivers. He also worked for McGuireWoods and the U.S. Department of Justice.

Szeptycki earned his J.D. from Yale Law School, and his B.A. with highest distinction from the University of Kansas. Following law school, he clerked for Judge Stephanie K. Seymour of the U.S. Court of Appeals for the Tenth Circuit.

As associate director of the Environmental Resilience Institute, a pan-University institute, Szeptycki will foster interdisciplinary research across Grounds.

Szeptycki continues to serve on the board of the Klamath River Renewal Corp., a nonprofit created to implement a settlement agreement to take down four hydropower dams on the Klamath River in California and Oregon in order to restore salmon runs.

Szeptycki, who is married to UVA Provost and Executive Vice President Liz Magill ’95, said he turned from litigation to exploring his passion for preserving rivers after several years of practicing law. “I’ve always loved rivers and streams—I liked to canoe, I liked to fish,” he said. “I wanted to work on something I care about more.”

—Mary Wood

► Chioma Chukwu '12 and Chris Kavanaugh '06 accepted Shaping Justice Awards in February at the Law School.

► Princelee Clesca '20, Moussa Ismail '20, Catherine Guerrier '21, Lise Guerrier '20, Alicia Penn '19, Doriane Nguenang Tchenga '21, Toccara Nelson '19 and Jasmine Alves '19, pictured at Robben Island, traveled to South Africa.

► Laura Howell '11

► Adriana Vito



SHAPING JUSTICE CONFERENCE EXPLORES ENGAGING COMMUNITY ACTION

ALUMNI AND PUBLIC INTEREST LAWYERS discussed ways to engage communities in promoting justice at the fourth annual Shaping Justice conference Feb. 7 at the Law School.

Reginald Dwayne Betts, a lawyer, poet, memoirist and teacher, delivered the keynote address.

Betts served time in prison as a youth before graduating from Yale Law School in 2016. He has also published three collections of poetry. He talked about how his experience being incarcerated influenced his legal studies and his art.

Three UVA Law alumni were honored for their work in public service at the conference, titled “Shaping Justice by Engaging Communities.”

Chris Kavanaugh '06, assistant U.S. attorney for the Western District of Virginia in Charlottesville, received the Shaping Justice Award for Extraordinary Achievement, while Claire Blumenson '11 and Chioma Chukwu '12 received Shaping Justice Rising Star Awards. Blumenson, who was unable to attend, is executive director and co-founder of the School Justice Project in Washington, D.C. Chukwu is senior executive counselor at the U.S. House Committee on Oversight and Reform.

Panels focused on a range of issues, including disability rights, transgender rights, immigrant rights and environmental justice, the criminalization of sex work and reproductive rights. A panel on mass incarceration featured restorative justice advocates, scholars and a representative from a public defender's office.

The conference was sponsored by UVA Law's Program in Law and Public Service, the Mortimer Caplin Public Service Center, the student-run Public Interest Law Association and numerous other student organizations.

—Alec Sieber



BLSA STUDENTS AID VIOLENCE-REDUCTION EFFORTS ON SERVICE TRIP

MEMBERS OF THE BLACK LAW STUDENTS ASSOCIATION at UVA Law returned to Cape Town, South Africa, to aid efforts aimed at reducing violence.

Allison Burns '22, Ambrose Decilap '21, Jordin Dickerson '20, Natasha Halloran '21, Jordan LaPointe '22 and Tiffany Mickel '22 collectively volunteered roughly 210 pro bono hours during their winter break in January through the organization's annual service trip.

The students partnered with London-based Norton Rose Fulbright's pro bono team, mostly doing research and writing. They conducted research for the nonprofit Gun Free South Africa and made curriculum recommendations regarding how to create training for magistrate judges on the nation's Firearms Control Act. The students also researched gender-based violence on university campuses for the Commission for Gender Equality, a government agency, and presented their findings to their Western Cape provincial manager.

“Our presentation summarized American federal laws such as Title IX and the Clery Act, made recommendations about how to better collect data regarding gender-based violence at universities, and made suggestions regarding how to implement programs—like the mandatory training modules here at UVA—to reduce the occurrence of gender-based violence,” Decilap said.

Outside of their pro bono work, the students visited Franschhoek, a historic winemaking region, and Robben Island, where political prisoners like Nelson Mandela, who went on to serve as the nation's president, had been incarcerated.

BLSA students also traveled to Cape Town previously to aid residents displaced by apartheid.

Each year, BLSA organizes a service trip abroad, and students apply for a limited number of spots. Past destinations have included Tanzania and Uganda. Those who are accepted receive paid travel expenses and accommodations through BLSA's relationships with participating law firms.

—Mike Fox



PROFESSOR DAYNA MATTHEW '87 NAMED DEAN AT GW LAW

DAYNA BOWEN MATTHEW '87 HAS BEEN NAMED the next dean of George Washington University Law School. She will be the fifth woman to serve on the UVA Law faculty before becoming dean at a top law school, and the first woman to lead GW.

Matthew, a leader in public health who focuses on racial disparities in health care, will begin her term as dean July 1. She succeeds another UVA Law graduate, Blake Morant '78, who served as dean of GW Law from 2014 to 2019 and remains on the faculty there.

Matthew said she is excited to join “a pre-eminent space for civil discourse, constructive collaborations and innovative thinking that will advance society's progress toward addressing the most difficult problems through law.”

At UVA Law, Matthew is the William L. Matheson and Robert M. Morgenthau Distinguished Professor of Law and the F. Palmer Weber Research Professor of Civil Liberties and Human Rights. She also serves as a professor of public health sciences and director of The Equity Center at UVA, an institution she helped found to redress racial and socioeconomic inequality in university communities. The institution most recently hosted the Healing Hate conference at the Schools of Law, Medicine and Nursing.

“Dayna is a pathbreaking scholar on race and public health, and we are so pleased to see her take the visionary leadership she has already shown at UVA to an exciting new level,” Dean Risa Goluboff said. “I am also proud of UVA's legacy as a launching pad for faculty members, particularly women, who go on to serve as leaders in higher education.”

That list includes UVA Provost M. Elizabeth Magill '95, who became dean of Stanford Law School after serving as vice dean at UVA; Duke Law School Dean Kerry Abrams; UCLA Law School Dean Jennifer Mnookin; and Goluboff, who had served on the UVA faculty since 2002 when she became dean in 2016.

—Mary Wood

PUBLIC HEALTH SCHOLAR IS FIFTH WOMAN FROM UVA LAW FACULTY TO LEAD A TOP LAW SCHOOL



UVA LAW NAMES NEW ADMINISTRATORS

Laura Howell '11 HAS BEEN HIRED as a director of admissions. Adriana Vito has also joined UVA Law as assistant dean for graduate studies.

Howell comes to Admissions having previously served in the Office of the Attorney General of Alabama. As an assistant attorney general in the Constitutional Defense Division, she litigated challenges to state laws in federal and state court at both the trial and appellate levels. She also coordinated the office's summer clerkship program and oversaw its recruitment efforts. In 2017, as a Supreme Court Fellow for the National Association of Attorneys General, Howell was the principal author of a U.S. Supreme Court amicus brief signed by 20 attorneys general. She has also served as a legal fellow for the U.S. Senate Judiciary Committee.

At UVA Law, Howell was the executive editor of the Virginia Tax Review and the Student Bar Association Admissions Committee chair.

Vito, in joining Graduate Studies, has more than 13 years of experience in higher education administration, including extensive experience working with international students in undergraduate and LL.M. programs. She comes to UVA from George Mason University's Antonin Scalia Law School, where she was director of graduate studies and certificate programs since 2015.

In addition to her experience working with international J.D., LL.M. and S.J.D. candidates, Vito worked as an associate dean of students in UVA's Office of the Dean of Students from 2012-15, where she served on the crisis management and student affairs team and implemented many initiatives and programs to help international students integrate into the UVA culture and community. She also served as an adjunct professor of international trade law and director for international career programs at American University's Washington College of Law from 2006-2012.

Before her career in higher education, Vito worked for the Embassy of Brazil and the Delegation of the European Union in Washington, D.C., and the international trade law groups of two law firms also in Washington.

—Mike Fox



Sharing



STAR WITNESS

"I studied abroad five times in four countries (Italy, Israel, China and Spain) and studied five languages (Italian, Spanish, Latin, ancient Greek and Korean). I enjoy learning languages and finding commonalities with people despite language and cultural barriers. Growing up, I traveled to Jamaica often to visit family there. This sparked an interest in travel and intercultural exchange."

—NICOLE BANTON '21

MORE: LAW.VIRGINIA.EDU/STARWITNESS



LIFE OUTSIDE THE LAW

"The life here is fantastic. Unlike busy days in Japan, I have plenty of time not only to study but also to spend with my family, to socialize, to do some exercise, because I can manage time by myself. I can spend much more time taking care of my daughter, doing some chores for my wife and hanging out with them."

—KANJI HARADA LL.M. '20 with his wife, Honami Harada, and their daughter, Mei.

MORE: LAW.VIRGINIA.EDU/LIFE

PHOTOS BY JULIA DAVIS

INSIDER

OFFICE OF THE GOVERNOR

ANDY BESHEAR



THE BLUEGRASS STATESMAN

PHOTOS BY JULIA DAVIS

THE RACE IN KENTUCKY

BY ERIC WILLIAMSON

ANDY BESHEAR '03 HAS BECOME GOVERNOR OF THE BLUEGRASS STATE

► Kentucky Gov. Andy Beshear speaks at a press conference Dec. 12 before signing an executive order to reinstate the voting rights of over 100,000 nonviolent felons who have completed their sentences.

BRYAN WOOLSTON/ASSOCIATED PRESS

THE MOST RIVETING HORSE RACE IN KENTUCKY LAST YEAR **WASN'T** AT CHURCHILL DOWNS.

It was the gubernatorial contest between incumbent Matt Bevin, a Republican, and state Attorney General Andy Beshear '03, the Democrat who prevailed in a bruising dash to the finish, by just over 5,000 votes.

Beshear, 42, took office in December, pledging a different tone than his predecessor. Bevin had been frequently characterized as “combative” by the press.

“Where there is disagreement, we will act like adults,” Beshear said in an interview with UVA Lawyer in January. “We will treat each other with respect. It’s what’s expected of everybody else in their place of employment; we ought to be able to do the same in government.”

During his tenure, Bevin pushed through cuts to the state pension system in order to course-correct \$43 billion in pension debt. When teachers responded with a “sick out” from school and a mass protest, Bevin compared them to children whose behavior needed to be disciplined.

As attorney general, Beshear challenged the legality of the pension revamp, which was not approved using the traditional three-vote procedure in the Kentucky General Assembly. Instead, the “final” vote was masked within other legislation that had been voted on twice previously.

The Kentucky Supreme Court agreed with Beshear that the vote—as taken—was unconstitutional. It struck down the new pension law.

Beshear also successfully sued Bevin at the state Supreme Court over midcycle cuts to the university system.

In Kentucky, attorneys general suing governors happens “more often than people think,” Beshear said, “going back through our last 12 or so governors.”

It’s a sign, he added, that the system is healthy and working as designed.

“There are times when an attorney general is going to need to sue the governor of their state, regardless of what party either are in, if they believe there is a violation of the law,” he said. “What’s important is how we react to that, that we understand that everybody has a job to do. And just because we have a disagreement, that doesn’t mean we have to be disagreeable. We have a court system to go to, to ultimately solve those disagreements.”

While critics might have dismissed Beshear’s pension lawsuit as an act of

partisanship, that would have been short-sighted for a man with his eyes set on the governorship. The pension shortfall is now his problem to resolve.

Beshear, who had no other prior political experience, ran on his record as an attorney general who made drug manufacturers pay in response to the opioid crisis, and who ordered and achieved testing for all backlogged rape-kit evidence in the state, among other accomplishments. The latter effort resulted in nine indictments as of the beginning of the year.

The first indictment stemmed from a rape that occurred in 1983; the victim is now in her 80s.

“It just goes to show that justice is always possible,” he said.

After polls closed on Nov. 5, Beshear was up by less than half a percent of the vote and The Associated Press deemed the outcome “too close to call.” Pundits were eager to view the outcome of the race as not so much a reflection of the candidates as a referendum on President Donald Trump, who won the state by a landslide in 2016 and who campaigned extensively on Bevin’s behalf.

Bevin refused to concede, citing “irregularities.” But on Nov. 14, following a recanvassing, Bevin indeed conceded. He wished Beshear luck in his new job.

A former litigator who practiced in Washington, D.C., before joining the Kentucky firm Stites & Harbison, Beshear promises to listen to anyone who offers informed counsel—even his father. Beshear’s dad is Steve Beshear, who held the office from 2007-15—the two terms immediately prior to Bevin’s. They are the first father and son in Kentucky to both occupy the top executive role, and the fourth such pairing nationwide.

But at the end of the day, the younger Beshear stressed, he’s his own man.

“[My father] knows some of the traps, and he knows some of the opportunities,” he said. “I will take as much advice as I can get, provided it will help me be a better governor, but what I really need from him now is more babysitting.”

The governor and first lady Britainy Beshear have two children, Lila and Will, ages 9 and 10.

WHAT ALUMNI ARE DOING 5, 10, 15 AND 25 YEARS OUT OF LAW SCHOOL



SZEMAN LAM '15

ASSOCIATE
PROSKAUER
BOSTON

DESCRIBE YOUR WORK: Since graduating from UVA Law, I have been working as a finance associate in The Private Credit Group at Proskauer, where I represent direct lenders in both sponsored and nonsponsored transactions, including acquisition financings, refinancings and recapitalizations. In the past year, my work has evolved with the market and has expanded into the bankruptcy and restructuring side as well.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? I have always been an avid runner, and keeping that as part of my daily routine has been one of my top priorities in maintaining balance as a corporate lawyer. I also love to travel, so I take a big trip every summer in addition to smaller trips throughout the year. (Some would say one of my strengths is making the most out of my vacation days!) Finally, I serve on the board of Boston Explorers, a nonprofit organization dedicated to providing a unique summer camp experience for urban youth that combines hands-on activities with spontaneous adventures and explorations across the city, which has been an incredibly meaningful and rewarding experience for me.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? Working in an industry that is at the intersection of law and business was always a goal of mine. My experience at UVA Law, particularly from participating in the Law & Business Program and the Entrepreneurial Law Clinic, prepared me well for that. Having the foundational knowledge and tools to better understand the strategies and concerns of clients on the business side has allowed me not only to advise them from a legal perspective, but also to offer valuable business insight. Overall, my legal career so far has been similar to how I had envisioned it, but life has certainly thrown me some curveballs along the way too.

WHAT DO YOU LIKE ABOUT YOUR LIFE 5 YEARS AFTER LAW SCHOOL? I feel very lucky to have amazing friends, be close to my family, and be a part of a market-leading practice that is constantly evolving, has so much momentum and has continued to grow at a tremendous pace. I am excited to see where it goes in the coming years.



FIONA R. MORAN '10

PARTNER
DAVIS, POLK & WARDWELL
WASHINGTON, D.C.

DESCRIBE YOUR WORK: I am a partner at Davis Polk, focusing on white-collar defense work. I represent companies and individuals in government investigations and enforcement actions, both criminal and civil. I also represent clients in congressional inquiries and advise on confidential internal investigations and on corporate governance and compliance matters. My work has involved allegations of fraud, violations of anti-bribery laws, insider trading, money laundering, antitrust and other financial crimes.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? Outside of my career at Davis Polk, my husband, John (also Class of 2010), and I have our hands full raising three children, currently ages 5 and younger. We enjoy keeping up with the kids and living in Old Town Alexandria, Virginia, where we are mere steps from countless activities, shops, restaurants, parades and other events.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? Professionally, I always hoped for a career that would leverage my strengths and challenge me consistently. I found that at Davis Polk, where I have worked on high-profile and complex matters alongside an incredibly talented group of attorneys, including many UVA alumni. It has been rewarding and fulfilling. Personally, I always hoped for a big and supportive family. I feel incredibly fortunate on that count as well.

WHAT DO YOU LIKE ABOUT YOUR LIFE 10 YEARS AFTER LAW SCHOOL? I like that I have so much to look forward to. I made partner at Davis Polk this past year, and I am excited to continue building my practice and growing as an attorney. John and I also welcomed our third child in the last few months, and so I am also excited to raise our kids with the help of extended family in the area. The last decade has been a whirlwind both professionally and personally. I can only hope that the next decade is full of just as much growth, laughter and fulfillment.



DAVENÉ WALKER '05

TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

DESCRIBE YOUR WORK: As a trial attorney with the Environment and Natural Resources Division of the Department of Justice, I defend the United States and its agencies and officers under the Fifth Amendment's Takings Clause and various statutes, like the Administrative Procedure Act and the National Environmental Policy Act. As with any civil litigation, my docket consists of researching and analyzing novel issues, writing numerous briefs, negotiating with opposing counsel, advising agency counsel, attending depositions and site visits, and appearing in federal courts around the country. I also find it important to take advantage of opportunities to impact my office's community and culture, so I serve on the hiring, diversity and social committees. Every day brings new challenges, which helps keep me engaged and growing.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? When I have "free" time, I love to read—even after [having attended] law school! I am actively involved in my church. I also love to travel (especially to new places), volunteer, cook, crochet and watch great television. And one day, I hope to become the next UVA lawyer-turned-novelist.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? Not at all! I never could have predicted landing in environmental litigation or having such a rewarding and challenging career arguing about floods in the desert or the management of wild horses in California. The path my career has taken seems providential. From starting my practice at a big Atlanta firm to clerking for a federal judge, I now have the honor of representing the United States of America. Plus, being from the D.C. area originally, it is great to be home and closer to family and childhood friends.

WHAT DO YOU LIKE ABOUT YOUR LIFE 15 YEARS AFTER LAW SCHOOL?

While my career is important, life is about relationships. I have some amazing friends, mentors and loved ones that have helped shape me into the confident lawyer and thoughtful woman I am today. I like that I am able to do what I love, and feel fulfilled and content. I look forward to seeing what God will do in the next 15 years.

5 | 10 | 15 | 25



JAMES M. 'BUDDY' ROBINSON '95

FOUNDER
NEWEL CAPITAL
MILWAUKEE

DESCRIBE YOUR WORK: Newel Capital is a family office that I have established with my wife, Catherine Rankin Robinson '95. After serving in general counsel and business development roles for two large multinational companies, one public (Bucyrus International) and one private (Kohler Co.), I decided it was time for my next act. Today I seek to acquire and operate lower- and middle-market companies, focusing primarily on family-owned manufacturing operations in the Midwest. As baby boomers look to retire and downsize, many do not have successors to take over their family businesses. I have been able to step in, finding attractive companies where I can apply my experience in business to deliver outstanding products and services that create and sustain good jobs.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? Balancing work and family was a challenge at multinationals. I spent at least 12 weeks a year traveling, mostly overseas. I missed a lot of sports, school and other family activities. My new career allows me more flexibility to be present, doing the things we love—skiing, travel, theater, hunting and fishing.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? I'm not sure what I expected, but it wasn't finding a hidden gem in Milwaukee. Early in my career I was given two pieces of advice: 1) you can do anything with a law degree and 2) raise your hand for the jobs no one else wants to do. When I got out of law school, I took a U.S. 10th Circuit clerkship, spent a few years at a law firm and then moved in-house. Once in-house, I took any and all assignments, which resulted in Catherine and me moving from D.C. to Tampa, San Antonio, New York and Milwaukee. Along the way, I applied for telecoms licenses in Saudi Arabia, bought a pottery plant in the middle of a Brazilian banana plantation, launched retail stores in India and undertook countless other projects I couldn't have imagined.

WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL? What I like most about my life is the same thing I liked most when I finished law school—the fantastic partnership I have with Catherine, whom I met walking up Massie Road during our first year at UVA Law. It certainly hasn't been a straight path or without challenges, but our family life and adventures mean everything to me.

PROFESSORS OBSERVE HOW MILLENNIALS ARE DRIVING CORPORATE CHANGE

AT TIMES DISMISSED BY MEMBERS OF THE OLDER GENERATION,

millennials and their social views are earning new respect from one of the traditional quarters of the old guard—the corporate boardroom. That’s the finding of a pair of UVA Law professors and their co-author in a new paper.

Last year, the Business Roundtable, a consortium of CEOs for the nation’s largest firms, announced in a public statement that corporations have an obligation to serve the interests of not just shareholders, but also employees, customers and society at large.

Professors Michal Barzuza and Quinn Curtis, and Professor David Webber of the Boston University School of Law, say they see a straight line between the announcement and the research in their recent paper, “Shareholder Value(s): Index Fund Activism and the New Millennial Corporate Governance,” forthcoming in the *Southern California Law Review*.

The paper argues that, as millennials advance social goals, they are also helping to shape corporate governance—and that new ways of thinking about social goals in conventional corporations are now required.

The younger generation, to put it bluntly, is coming into money.

“Millennials are just starting to enter the phase of their lives where they will accrue a lot of wealth,” said Curtis, the Albert Clark Tate, Jr., Professor of Law. “The competition to manage that wealth is underway and a key

dimension of that competition is going to be funds demonstrating that they share millennial values.”

The professors say index funds, which consist of a portfolio of companies meant to track with a market index such as Standard & Poor’s 500 Index, are the fulcrum for corporate change because they are most susceptible to social pressure.

“Millennials place a premium on social values in their investments,” they write. “With prices

for index funds already cut to the bone, and investment performance an irrelevant consideration for index investors, index funds must seek out differentiation in the market where they can find it. Using their voting power to promote their investors’ social values, and doing so publicly and loudly, is a way for these funds, which otherwise risk becoming commodities, to give investors a reason to choose them.”

They note that index funds are now the largest shareholders in many large companies, and that social activism exerted via index funds has led to greater gender diversity on corporate boards and new sustainability practices, among other changes.

Barzuza researches and teaches corporate law, corporate governance, corporate finance, regulatory competition, and law and economics. Curtis teaches courses on corporate law, securities and venture capital.

YOUNG MONEY

BY ERIC WILLIAMSON

ALEX FINE

BY RICHARD C. SCHRAGGER



IN THE LAST DECADE, AS CITIES HAVE BECOME MORE ASSERTIVE IN ADOPTING NOVEL POLICIES, WE HAVE WITNESSED A DRAMATIC RISE IN STATE PREEMPTION OF LOCAL LAWS.

States have overridden or outlawed sanctuary cities, voided municipal minimum wage laws, prevented local plastic bag bans, penalized cities for adopting local gun control measures, barred the municipal regulation of ride-sharing services, outlawed local family leave policies and required local governments to maintain Confederate monuments. These examples are evidence of an increasingly hostile state-local relationship across the country. That hostility is reflected in an urban-rural split that seems to be characteristic of the nation's polarized politics. Though often attributed to the red-state/blue-city divide, the hostility to local policymaking is evident even in states that are dominated by one party.

This moment of increasing intrastate conflict suggests the need for a rethinking of the state-local relationship.

In many states, local governments enjoy constitutional or statutory "home rule" protections that preserve their ability to adopt ordinances without first obtaining permission from the state legislature. But these provisions do not prevent legislatures from overriding local laws with which they disagree. In many cases that means that densely populated cities and rural counties are being governed by the same one-size-fits-all rules. Statewide rules can be important in certain policy areas, but

crimination law and environmental protection.

The United States has long been an urban country. But at this moment in history, we are witnessing the concentration of economic activity into metropolitan regions. Consider that 52% of total U.S. gross domestic product is accounted for by 20 metropolitan areas. The New York metropolitan area alone accounts for just under 10% of the country's total GDP. Phoenix generates 70% of Arizona's total economic output and 71% of the state's employment. Cleveland's metropolitan economy is bigger than Ireland's. The gross metropolitan product of the top 10 metropolitan areas in the country exceeds the total gross domestic product of 34 states and the District of Columbia combined.

The economic dominance of cities and the metropolitan regions that surround them has not been matched by political influence. The Supreme Court has determined that political gerrymandering is not susceptible to constitutional restraint. Anti-city gerrymanders in many states thus continue to dilute metropolitan political power.

This mismatch generates significant political dissatisfaction. One consequence is institutional reform. At the beginning of the 20th century, home rule was a response to the rapidly changing economics and demographics of an industrializing country. A rejuvenated home-rule movement in the states could be the answer to the equally dramatic economic shifts that characterize the beginning of the 21st.

RICHARD C. SCHRAGGER, the Perre Bowen Professor of Law and a senior fellow at the Miller Center, is the author of *City Power: Urban Governance in a Global Age*. This op-ed draws from his articles "The Attack on American Cities," 96 *Texas L. Rev.* 1163 (2018), and "Federalism, Metropolitanism, and the Problem of States," 105 *Virginia L. Rev.* 1537 (2019).

THE ATTACK ON AMERICAN CITIES

uniformity has become an excuse to reduce local government authority to the barest minimum.

The contracting of local authority increases the gap between citizen preferences and government responsiveness and contributes to political apathy. Local governments are not perfect, by any means. They can act parochially, corruptly—or worse. But the federal government and state governments are not immune from similar political pathologies. The assertion that more centralized governments will produce more enlightened governance has been regularly proved wrong. The distance between the governed and the government matters. Local governments need space to experiment even when the issues are highly contentious—and perhaps especially so.

What does true "home rule" look like? In the early part of the 20th century, Progressive Era advocates urged freedom for "metropolitan cities" to protect urban citizens from rapacious state legislatures, who regularly adopted "ripper" bills that stripped power from locally elected officials. Home rule did not mean deregulation. Cities were often on the front lines of innovative public health and safety policies. Cities were the first to regulate cigarette use and to adopt wage and hours laws. Cities have more recently been innovators in areas like antidis-



What Next?

WITH DEMOCRACY'S CORE VALUES under new pressures, UVA Law alumni and faculty of diverse views discuss some of the developments they find most captivating, and in some cases, troubling. By Eric Williamson

20 Questions

With Trevor Potter '82, President of the Campaign Legal Center

IT HAS BEEN EIGHT YEARS since UVA Lawyer caught up with Trevor Potter '82, the former chairman of the Federal Election Commission who founded, and serves as president of, the Campaign Legal Center in Washington, D.C.

Back then, Potter was fresh off his appearances on "The Colbert Report," where he famously helped host Stephen Colbert demonstrate to a mass audience the dangers to democracy posed by super PACs—those political action committees that, since the 2010 ruling by the U.S. Supreme Court in *Citizens United v. Federal Election Commission*, can raise unlimited amounts of money from corporations, unions and individuals. That is, just so long as they don't coordinate directly with candidates or their campaigns.

Potter and Colbert formed the super PAC "Americans for a Better Tomorrow, Tomorrow," which used real dollars to show how shadowy actors can, and do, circumvent campaign finance laws.

Since then, the challenges in election oversight have multiplied. From Russian interference in the 2016 election and questions over the role social media played, to more recently, concerns over whether President Donald Trump invited Ukraine to interfere in the 2020 presidential race, the electorate is left to wonder what will happen next.

Regarding Ukraine, the watchdog efforts of the Campaign Legal Center led to the indictment of four associates of Rudy Giuliani, the president's personal attorney, on campaign finance law violations. The charges involved large contributions of apparently foreign-sourced money to a super PAC tied to the Trump campaign.

Potter is a Republican who served as general counsel to John McCain's two presidential bids, but he puts his political hat in a box for the sake of the nonpartisan, nonprofit

organization he runs. The center "holds candidates and government officials accountable regardless of political affiliation," according to its website.

In the midst of the confusion generated by the Iowa caucuses in February, we asked Potter about his concerns about the next election.

What are your thoughts on the voting app snafu at the Democrats' Iowa caucus, and voting technology in general?

There were a number of warnings going into Iowa that relying on untested apps and new systems could have this result.

There is a real risk that voters won't trust the system because of technology problems. We at the Campaign Legal Center, for instance, have focused on the need for paper trails of ballots that are auditable. If there is a technological problem, which occurs all the time in modern life, never mind the possibility of malign outside actors, it is really important that there be a way for humans to verify the results. We also favor automatic random audits of election results. I think those are all important. But caucuses are run by political parties, not by government entities, so they are not governed by such rules, which puts the onus on them to get it right.

Can voting integrity be ensured with online systems?

There's a lot of pressure from both citizens and the news media to speed up the process, to be able to do things easier by doing things online. And that has in it the inherent possibility that there will be problems—hacking, and human error in the programming side.

There has been, for a while, pressure to vote online on the theory that if you can bank online, and that's secure, why can't

"If a major city goes down, it will affect the vote in that state, and that state may well affect the vote in the Electoral College."



Trevor Potter '82 runs the Campaign Legal Center in Washington, D.C.

JULIA DAVIS

you vote that way. I am very skeptical of that. Everything online seems more vulnerable than we thought it was 10 years ago.

Commercial transactions online are, by their very nature, not confidential. The whole point is your bank can see what you've done; you can see what you've done; everyone can review what you've done. Voting is quite different because it is supposed to be confidential. That's radically different from buying something on Amazon or moving money in a bank.

Does our decentralized voting system help or hurt matters?

The dispersed and decentralized nature of our system is, on one hand, an advantage, because it means a malign actor can't hack into the central national election database, because there isn't one. But on the other hand, it makes us more vulnerable, because a malign actor could affect an election by just hacking into one city in one state and potentially swing an election.

If a major city goes down, it will affect the vote in that state, and that state may well affect the vote in the Electoral College.

There are approximately 10,000 jurisdictions that run elections. So when something goes wrong in Broward County, Florida [which was involved in the 2000 election recount], it can have a national effect. But the organization of the election process there is under the control of local authorities.

Now, of course, there is a provision in the Constitution that allows the federal government to supersede state election rules and processes, but Congress is loath to do that. It takes a real problem for the federal government to intervene.

What has changed since the voting issues in the 2000 presidential election?

After Florida in 2000, the federal decision was that states needed to update their machinery. I think, not surprisingly, states were happy to take the federal money. They were unhappy

to have to meet the federal standards. They preferred to make their own decisions. Over time, the Election Assistance Commission, which was created by Congress after the Florida recount, has been hobbled and not really done what it was intended to do in terms of establishing nationwide minimum standards for election machinery.

So when we talk about election technology issues, foreign interference, vulnerability, on the technical side of running elections, we deal with a couple of realities. One is that you have to work with the states, you have to work with the localities. They don't have funding for a lot of this. Elections occur once a year in most places, if that often—and roads need repair and garbage collected all year. Though no one wants elections to go badly, voting and elections are also usually not the top budget priority for any governmental entity.

What has changed since the last election? Have we made progress to prevent hacking?

There has been progress, it's just been within a context that makes progress difficult, slow and incomplete.

I think we have the unfortunate political reality that officials in the current administration have been very leery of talking about foreign interference because the president himself feels the discussion of foreign intervention in the previous elections is implicitly, if not explicitly, an attack on the legitimacy of his 2016 victory.

The House has repeatedly voted for extra funding for election security, and in the Senate, [Majority Leader] Mitch McConnell has refused to consider most of those. He finally, after an

enormous amount of pressure, allowed a couple hundred million in extra funding for new machinery, but Republicans just blocked the Senate from considering several other important security proposals.

Voting officials, on their own, are addressing some of the machine issues. I think every state is now more focused on this than they were in 2016. And there is a much higher level of information and expertise in cybersecurity for local officials from federal agencies.

What about social media? Is the spread of misinformation from anonymous actors going to continue to be a major factor?

All the signs are that it will be worse in 2020. One of the things we saw last fall in the Kentucky governor's election [won by Andy Beshear '03; see story on page 20] was rapidly spreading social media claims that there was illegal/fraudulent activity in the election. There was a tweet from a self-described "Democratic election official" that he was tearing up Republican absentee ballots. That went viral. The governor [Matt Bevin] used that as evidence that he hadn't actually lost, that there had been fraud in the election. He refused to concede. Two days later, it became clear that it was all false, that the tweet was from a fake account and that

the retweets were largely from foreign bots. I don't know that we know who was behind all that, but it was a clear attempt to cast doubt on the election results. It is exactly the sort of thing we can expect countries or actors who dislike the U.S. to do.

Not necessarily to affect the election results, but to create chaos in our democracy. Having seen that model in Kentucky, the question is, how do we prepare for it elsewhere? The answer is, we can be aware that it's a possibility, but that it takes a couple days to figure out if the account is a fake account.

"It is exactly the sort of thing we can expect countries or actors who dislike the U.S. to do."

"What we're saying is, there ought to be ways for people looking at ads to figure out who has paid for them."



Comedian Stephen Colbert stands with Potter during an appearance before the Federal Election Commission to ask for a media exemption to create a political action committee on June 30, 2011, in Washington, D.C. The FEC approved the request.

Then, of course, there is the world of misinformation and disinformation and deep fakes, promoted by partisans on both sides.

Does the center have any initiatives on that front?

We're part of coalition with social media experts in New York who have put out a statement on things we think social media companies can do voluntarily now. Chris Hughes, who is one of the co-founders of Facebook, led that group. It's really too late for legislation this year. It's not realistic to think that Congress is going to act on this between now and next fall. What we have left is voluntary actions by responsible social media companies.

Is greater transparency part of the solution?

That's very much part of the solution. What we're saying is, there ought to be ways for people looking at ads to figure out who has paid for them. There ought to be a database they can go to of advertising that has been run, with information on who is funding it, so they can put it in context.

On the topic of transparency, has there been any progress with campaign finance?

I think we continue to build the record and make the case that there are ongoing problems with how our elections are currently financed.

There is the danger of corruption,

and the appearance of corruption, in huge contributions to groups closely aligned with, and coordinating with, a candidate. The Supreme Court decision in *Citizens United* and in other cases presumes that this "outside" spending is completely independent of parties and candidates, because otherwise it would be strictly limited in amount as a contribution to a candidate. What we need is disclosure of what's going on, and enforcement of the rule so that only truly independent spending has the right to unlimited funding. And we need alternative ways for candidates to raise money and finance elections, so that they can run without being wealthy or relying on wealthy sponsors.

WHEN IS A PAYMENT



a Bribe?

Professor Deborah Hellman Examines Quid Pro Quo Demands

in the performance of any official act” commits bribery.

Hellman recently outlined her theory in her paper, “A Theory of Bribery,” which won the 2019 Fred Berger Memorial Prize from the American Philosophical Association and was published in the *Cardozo Law Review*.

“What you might consider the ‘classic’ political bribe is someone who offers a public official money for a vote on a particular bill,” she said. “Money is clearly something of value. A vote on a bill is clearly an official act. The official is motivated to vote on the bill to get the money for personal gain, rather than believing that the vote is for what the constituents want.”

But is the corrupt motivation what makes this bribery? Hellman doesn’t think so.

What of the “practical politician” who argues that he wants the money to improve his chances of winning reelection, which he believes is good for his constituents?

“If this motivation absolves the politician of bribery, then the more arrogant the official, the more free he or she is to accept money or campaign contributions in exchange for official acts,” Hellman said. “That can’t be right.”

Hellman’s theory of bribery differs with conventional thinking in that she doesn’t focus on the subjective motivation of the office holder. Instead, Hellman argues that bribery requires that the things exchanged be of different types.

To help explain her theory, she gave the example of poli-

ticians exchanging a vote for a vote. The two things are essentially the same.

“No matter what you think of logrolling, nobody thinks it is bribery,” she said.

Hellman pointed to the case of former Illinois Gov. Rod Blagojevich to support her view. Blagojevich offered to fill Barack Obama’s U.S. Senate vacancy with Valerie Jarrett, an Obama insider who had co-chaired the president’s transition team, in exchange for the governor either receiving a federal appointment or for help landing a private-sector job.

Judge Frank H. Easterbrook of the U.S. Court of Appeals for the Seventh Circuit, writing for the court, held that exchanging

an appointment for an appointment does not constitute bribery. The court overturned five of the convictions based on that premise. But Blagojevich’s convictions for attempting to also sell the open seat for money were affirmed. The opinion, like Hellman’s theory, requires that the values exchanged be different in kind.

Another noteworthy recent case demonstrates the consequences of ill-defined laws.

When Virginia Gov. Bob McDonnell appealed his conviction on federal corruption charges, the U.S. Supreme Court unanimously overturned the conviction.

“There, the claim was McDonnell accepted all kinds of goodies—paying

for his daughter’s wedding, shopping trips for his wife—in exchange for setting up meeting for this businessman with other government officials and pressuring those officials to take certain actions,” Hellman said.

The court found that while the exchange of these “goodies,” as Hellman puts it, for exerting pressure would constitute bribery, the exchange of goodies for merely setting up a meeting would not, because setting up a meeting is not an “official act” under the federal bribery statute.

“What the opinion left unclear is whether the court’s opinion is based entirely on statutory interpretation, in which case it could be changed by legislative action, or whether the court believes that Congress or a state legislature could not prohibit the sale of meeting time on a schedule of a public official,” she said.

Virginia now has a very restrictive gift law, but Hellman said that states may still want to define the term “official act” to include setting up meetings. Doing so would make it clearer that an official’s time belongs to the public and is not for sale.

Hellman is the David Lurton Masee, Jr., Professor of Law, and the Roy L. and Rosamond Woodruff Morgan Professor of Law. Her scholarship focuses on money and legal rights, and equal protection law.

“No matter what you think of logrolling, nobody thinks it is bribery.”



VOIE HERE

WHEN THE WAITING GETS TOUGH, THE VOTERS

Get Going

EVERY TIME THERE IS A MAJOR ELECTION, television news crews pan the long lines of noble citizens waiting cheerfully to perform their civic duty.

But what of those voters unable to stay? Researchers know that when lines get long, whether a person is waiting to vote or buy groceries, some who are waiting will abandon the queue—known as “reneging.”

Professor Michael Gilbert and other academics studied voter lines in 2016 in 28 election jurisdictions across the United States. The study, titled “Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study,” is believed to be the largest review of its kind.

Gilbert spoke to UVA Lawyer about the results, which, among other things, have implications for the ongoing debate about voter ID laws.

Second, same-day registration slows down the line. This is predictable when you think about it. Some voters at the front of the line are doing two things—registering and voting—rather than just one, voting. Still, it’s worth reflecting on. Many people favor same-day registration on the grounds that it makes voting easier. That might be true all things considered, but it does have a crosscutting effect. People have to wait longer, and at least for some people—including people who are already registered to vote—this discourages them from voting at all.

Finally, the data suggest a simple prescription for improving wait times: increase the number of poll workers.

What did this study confirm from past studies, and what assumptions did it call into question?

First, an important, earlier study found that electronic vot-

Professor Michael Gilbert Says Study Reveals Impact of Voter ID Laws

How did you get involved in this very large poll-watching project?

I was recruited, along with other law and political science professors around the country, by Charles Stewart, a political scientist at MIT who specializes in the empirical study of voting.

Did you utilize law students to help monitor the lines in Albemarle County?

Yes, it was a combination of law students, whom I organized, and undergraduate students, whom Professor Charles Kromkowski in the UVA Politics Department organized.

What are the study’s most important findings?

Three findings stand out. First, voter identification laws, which have generated a lot of controversy, decrease the time to vote in majority-white polling stations. This is probably because such stations have machines that can swipe drivers’ licenses, collecting voter information more quickly than through manual entry. But those same voter ID laws increase the time to vote in polling stations in which the majority of voters are minorities. Presumably, this is because fewer people in those locations have a valid ID, but they do not discover this until they reach the front of the line and talk to a poll worker, causing delays.

ing machines increased the time to vote in comparison with paper ballots. A hypothesis—there were others—was that voters were not familiar with the machines and found them difficult. Our study doesn’t find that. We think that voters have, over time, become familiar with the machines, so they no longer cause delays.

Second, the study confirms earlier ones: Voting takes longer, as I’ve stated, in majority-minority polling stations than in majority-white polling stations. This distressing disparity is a consistent feature of our election system.

What are the implications for the next election?

The debate over voter ID laws will rage on, and our study might add fuel to the fire.

Is the bigger issue here making one’s vote count or voter confidence?

Both. We want the votes to count, obviously, but we also want people to believe, correctly, that elections work. There’s ample evidence that long lines undercut voter confidence.

Gilbert is the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law. He teaches courses on election law, legislation, and law and economics.

“Voting takes longer ... in majority-minority polling stations than in majority-white polling stations.”



JON RAISE



► Professors Deborah Hellman and Michael Gilbert discuss bribery and corruption Oct. 31 as part of a series of events on impeachment sponsored by the Karsh Center for Law and Democracy.

DEMOCRACY+UVA Karsh Center Explores Key Issues Facing Democracy

SINCE THE LAW SCHOOL'S Karsh Center for Law and Democracy launched in November 2018, the nonpartisan legal institution has been busy fulfilling its mission of promoting civil discourse and democratic dialogue, ethics and integrity in public office, and respect for the rule of law.

"It's an exciting time for us, and we've launched several efforts that build upon the center's core values," said Professor Micah Schwartzman '05, who leads the center.

The center has hired Nicholas Almendares, who holds a Ph.D. in politics and a J.D. from New York University, as program director, and added three endowed chairs. Schwartzman, Michael Gilbert and Mila Versteeg are the inaugural Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professors, roles that rotate every three years.

The center's recent and upcoming events include:

- A three-part conversation series in the fall of 2019 offering a primer on impeachment, which featured Professors Frederick Schauer, Saikrishna Prakash, Ashley Deeks, John Harrison, Deborah Hellman and Michael Gilbert.
- "Speech Inside the Schoolhouse Gates: 50 Years After *Tinker v. Des Moines*," with keynote speaker and Supreme Court plaintiff Mary Beth Tinker, a Jan. 24 conference led by the Virginia Law Review, with support from the center.
- "Illiberal Politics in America," a Feb. 21 conference that was co-organized with Zack Beauchamp, a senior correspondent at Vox, and that brought together scholars and journalists from The Atlantic, Slate, Lawfare and others.
- "Harmed or Protected? Religion Clauses and Religious Minorities," a Feb. 27 panel with Melissa Rogers of the Brookings Institution, Fred Gedicks of Brigham Young University, and Richard Foltin of the Religious Freedom Center, that explored the impact of the First Amendment's religion clauses. The event was moderated by Schwartzman and co-sponsored with several Law School student organizations.
- The May Gathering, a colloquium with scholars from across the country discussing emerging threats to American democracy.
- An event featuring former presidential candidates Hillary Clinton and Carly Fiorina at the Tom Tom Summit & Festival was postponed indefinitely due to the coronavirus outbreak.

The center launched with an interview of retired U.S. Supreme Court Justice Anthony Kennedy conducted by financier and philanthropist David Rubenstein. It was broadcast on Virginia's public television channels, as well as on "The David Rubenstein Show."

WATCH OR HEAR Karsh Center events: [youtube.com/uvawlaw](https://www.youtube.com/uvawlaw) or [soundcloud.com/uva-law](https://www.soundcloud.com/uva-law)

Democracy Lab Helps Make Corruption CLEAR

PROFESSORS Deborah Hellman and Michael Gilbert are inaugural scholars in UVA's Corruption Lab on Ethics, Accountability, and the Rule of Law, also known as CLEAR. The lab looks at the "causes, methods and consequences of corruption," according to its website, in collaboration with other UVA professors and departments, as part of UVA's overarching Democracy Initiative, which aims to study and advance the prospects of democracy around the world.

CLEAR launched its public-facing efforts with the one-day conference "Corruption and Institutional Decay," held Nov. 19 at the Miller Center. The event featured William

Browder, a businessman who attempted to expose the fraud of Russian oligarchs and senior government officials.

Browder's related activism on behalf of his attorney, who died in a Russian prison from alleged torture and medical neglect, persuaded Congress to pass the 2012 Magnitsky Act, which empowers the U.S. to sanction human rights offenders by freezing their assets and barring entry to the country.

Gilbert and Hellman plan to teach a class on corruption in the next academic year that will incorporate campaign finance and election law, criminal law and constitutional law.

She's Conservative

{AND SHE VOTES}

Karin Lips '09 Founded Org Supporting College Women Who Lean Right

NOT JUST IN LIGHT OF THE UPCOMING presidential election, but every day, Karin Lips '09 wants young women on college campuses to know that the left hasn't cornered the market on female empowerment, and that conservatives are not to be discounted.

To that end, Lips (née Agness) started the Network of Enlightened Women, or NeW, in 2004 as an undergraduate at the University of Virginia. Her activism began after a Washington, D.C., internship with U.S. Sen. Richard Lugar, the long-serving Republican who represented her home state of Indiana.

"During that experience I was surrounded by a lot of women who cared about policy and the world of ideas, and who brought a conservative perspective to the discussion," she said. "When I went back to UVA, I sought out an environment like the one I had found in D.C."

The American studies major soon realized that she needed to fill a void. She began the group as a book club where women could discuss—free of judgment—content that wasn't on their classroom syllabi.

Despite initial ridicule, she said, the idea caught on. A second NeW group formed at William & Mary within six months. By the time she reached the Law School in 2006, Lips held the organization's first national conference in D.C., adding chapters on campuses in California, New Jersey and Texas that year.

Now, with a presence at dozens of colleges across the U.S., the nonprofit organization offers diverse programming meant to encourage the next generation of women "to be leaders for the cause of freedom," as she puts it.

"In the 15 years since our founding, we've transformed into a women's leadership organization that provides policy and professional development programming," Lips said. "Students still discuss conservative ideas, bringing much-

needed intellectual diversity to campus and the women's movement. We also serve as a voice in national conversations about women and policy."

Lips promotes a new brand of feminism, "opportunity feminism," which she says seeks to maximize freedom for women so they can build the lives they want to build.

As she noted in a recent op-ed for The Detroit News commenting on the 100th anniversary of women's right to vote, women exceed men in the electorate by about 10 million registered voters and have voted in greater numbers than men in each presidential election since 1964. She said it's inappropriate to assume all women will, or should, vote the same way.

"To honor the centennial of women gaining the right to vote, take a moment and thank a female friend who you know votes differently than you," she wrote. "Or at least don't assume the worst of her."

While the 501(c)(3) organization can't advocate for specific candidates, NeW makes its presence known at colleges, often with members wearing pink T-shirts that read, "This is what a conservative looks like."

"We shouldn't underestimate the power of conservative women in this country," Lips said. "I expect conservative women to play a big role in the 2020 election."

Lips is the editor of the book "She's Conservative: Stories of Trials and Triumphs on America's College Campuses." As president of NeW, she frequently provides commentary in major media outlets such as CNN, Forbes, The Washington Post, Fox News and The Atlantic. Previously, she practiced law at Wiley Rein and served as a resident fellow at the Harvard Institute of Politics.

"During that experience I was surrounded by a lot of women who cared about policy and the world of ideas, and who brought a conservative perspective to the discussion."





THE

Lies HAVE IT

Is It Time to Rethink the ‘Marketplace’ and Our Tolerance for Falsity?

YOU KNOW THAT WHOLE “marketplace of ideas” concept that says if you hear all arguments the best will win out?

Well, it’s a bunch of hooley.

That’s the take of Professor Frederick Schauer and Vice Dean Leslie Kendrick ’06, two of the Law School’s experts on the First Amendment, who see the current proliferation of lies in the media landscape—perhaps most audaciously in the form of altered videos and other fake news—as disrupting the marketplace of ideas theory and putting democracy on a dangerous path.

“I have long been skeptical of the oft-touted but rarely analyzed virtues of public deliberation or public discourse as a route to truth, knowledge, sound public policy, etc.,” Schauer said. “I’m also of the view that our current First Amendment theory and doctrine doesn’t deal very well with verifiable concrete fact.”

In the United States, the press enjoys protections unrivaled in the rest of the world, and speech related to politics is the most protected within the media.

But Kendrick said the media landscape has come a long way since the U.S. Supreme Court case *New York Times Co. vs. Sullivan*, which restricts the ability of public officials to sue for defamation and creates the intentionally high standard of “actual malice” to receive damages. (The standard means a publisher must have known the information was false upon publishing it, or the risk that it was false.)

News consumers’ choices are no longer restricted to newspapers, radio and three major television networks. Now, anyone can be a “journalist” because of the ease of publishing

and disseminating information via the internet—making it easier to spread malicious rumors. The old rules of the road, it seems, no longer hold.

Despite the frequent citing of *Sullivan* in subsequent free-speech cases, “What the justices are not saying in *Sullivan* is that lies have First Amendment value,” Kendrick stressed.

Schauer said the U.S. might be a lot less tolerant of falsehoods in the media today—and more in line with other liberal industrialized democracies—if it weren’t for the 12-year period in the courts starting with *Sullivan*.

From that 1964 decision to 1976, when the justices ruled in *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council Inc.* that free-speech protections apply to commercial speech, there was a string of transformative court decisions broadly protecting speech, he said.

The early winners were often left-leaning social activists protesting the Vietnam War or for greater civil rights. In more recent years, however, bearers of antiliberal messages, often meant to shock or provoke, have received similar protections to those engaging in traditional public debate. Schauer noted that it is legal, for example, to depict a woman in high heels appearing to crush a puppy.

While acknowledging that there may be a “liberal hypocrisy” discussion worth having in terms of whose speech is protected, Schauer said that conversation shouldn’t include

“Our current First Amendment theory and doctrine doesn’t deal very well with verifiable concrete fact.”

—Frederick Schauer



JON RAUSE

absolute tolerance for flat-out lies.

Kendrick and Schauer both took aim at the 2012 Supreme Court ruling in *United States v. Alvarez*, which struck down California's Stolen Valor Act, a law that had made it a crime to falsely claim earning military medals. Justice Anthony M. Kennedy, writing for a 6-3 majority, stated that speech that doesn't cause a grave and imminent threat shouldn't be curtailed.

"What the justices are not saying in Sullivan is that lies have First Amendment value."
—Leslie Kendrick '06

"The court there says much more protective things about false speech," Kendrick said. "The only way to punish it is through fraud, perjury or by causing some discrete harm. That's a real break with past precedent."

Schauer said most of the everyday harm that comes from protecting false statements comes in the form of defamation—but that wider repercussions should also be considered.

"Even in the case of *Alvarez*, there is an interesting question about whether the proliferation of falsity with no remedies for it may create a large social or political harm, even absent of harms to particular individuals," he said.

Lies can potentially sway elections, even topple governments. At the very least, they can make us skeptical as to the true outcomes of our democratic processes.

"I think on a lot of fronts, the First Amendment is under new pressure," Kendrick said. "It's a time for a rethinking of how we came to those decision points in the first place."

While they weren't prescribing solutions, Schauer said he would be comfortable with some form of "recalibration." For example, he questioned whether public figures outside of the political realm—the football placekicker or the television chef—shouldn't have more recourse when harmed by speech.



The professors said it also may be worth focusing attention toward media's new gatekeepers, the social media platforms, which have the ability to spread misinformation like fire in a dry forest. These gatekeepers might also possess the tech to help solve the problem.

"I could imagine some sort of content-neutral regulation about what technological tools have to be used," Kendrick said.

Schauer most recently laid out his criticism of the marketplace of ideas for the 2017 endowed lecture "Free Speech, the Search for Truth, and the Problem of Collective Knowledge." The article broadens criticism he set out years earlier in articles such as "Facts and the First Amendment" and "Discourse and Its Discontents." He also recently spoke about *New York Times Co. v. Sullivan* for the UVA Law podcast "Common Law." He is a David and Mary Harrison Distinguished Professor of Law.

Kendrick is the author of the recent paper "Lies and Free Speech Values." She is the David H. Ibbeken '71 Research Professor of Law.

AIDING THE 'FOURTH ESTATE' *Embattled*

Katie Townsend '07 and Jennifer Nelson '11
Protect Free Speech

THE REPORTERS COMMITTEE for Freedom of the Press in Washington, D.C., has provided legal resources to protect journalists for the past 50 years. That's because when reporters are without representation or legal support, "You may think twice about publishing that story," said Jennifer Nelson '11, a staff attorney there and co-director of the Law School's First Amendment Clinic.

Nelson and Katie Townsend '07, the nonprofit organizations' legal director, are committed to aiding journalists in their search for truth, while lessening their fear of reprisal.

Last year, 38 journalists were physically attacked, according to the U.S. Press Freedom Tracker, which the Reporters Committee contributes to. Another 40 journalists were arrested, prosecuted for leaks, subpoenaed or otherwise legally ordered to answer questions, potentially compromising their confidential sources and putting their journalistic ethics at risk.

These types of clashes have been taking place within a heightened blame-the-media culture.

"We've definitely seen an increase in rhetoric against journalists in the last four or five years," Nelson said. "Having journalists' credibility constantly questioned hinders the public's right to know."

Townsend said the difficulties newsrooms have been facing turn mostly on their business models, but recent "enemy of the people" rhetoric adds a further obstacle.

"It muddies the water as to having a baseline level of facts," she said.

An AM news radio reporter and producer before she became a lawyer, Townsend became litigation director of the Reporters Committee

in 2014—the first person to hold that position. She rose to legal director in 2018 and oversees the entire legal services portfolio (amicus and litigation practice). She also personally litigates public records, court access and legal defense cases; supervises the team of staff attorneys and legal fellows; and manages special partnerships with documentary filmmakers and nonprofit newsrooms.

Her recent litigation includes filing a complaint on behalf of a broadcaster at the NBC affiliate in San Diego. The reporter learned, through leaks, of a secret Customs and Border Patrol database tracking journalists, activists and social media influencers in connection with their public discourse on immigration issues at the Southern border.

"NBC 7's reporting that the government has tracked journalists and, in some cases, placed holds on their passports, apparently based on the subject matter of their reporting, is deeply troubling," Townsend said in a press statement following the legal action.



The relative lack of teeth to most state and federal Freedom of Information Act laws, unfortunately, means that government agencies will continue to withhold information when they find it uncomfortable to produce.

If a violation of state FOIA laws does result in punishment of the offender, it's usually in the form of a fine in the hundreds of dollars. On the federal level, "you can get your [attorney's] fees, but what you're usually trying to do is just get the records you're looking for," Townsend said.

Despite the uphill battle journalists face, Townsend said she will remain optimistic "until I can no longer remain optimistic." She is excited, for example, about a new initiative by the Reporters Committee that will place press attorneys in legally underserved areas of five states: Colorado, Pennsylvania, Tennessee, Oregon and Oklahoma. The goal is to support consequential enterprise and investigative reporting.

Townsend was previously a litigation associate in the Los Angeles office of Gibson Dunn & Crutcher, where she special-

ized in media and entertainment litigation.

Nelson, who covered breaking news for The Boston Globe as an editorial assistant and freelance reporter before law school, joined the Reporters Committee in 2017 as a Stanton Foundation Media Litigation Fellow. Her practice now includes public records, court access and legal defense litigation in federal and state courts.

As part of her caseload, she is taking on the FBI to obtain, through FOIA litigation, details about how the bureau impersonated journalists in two cases. One involved an agent pretending to be an editor with The Associated Press, following a student bomb threat, while the other was a more elaborate play: Agents posed as a documentary film crew, complete with website and business cards, in order to question antigovernment rancher Cliven D. Bundy and his associates.



"If you have to sort of think twice, 'Is this person an FBI agent?,' it makes a person less likely to speak to a journalist," she said.

In addition, Nelson co-directs UVA Law's First Amendment Clinic with Gabe Rottman, a senior attorney at the Reporters Committee. The instructors worked with students in the fall to draft a white paper on SLAPP—strategic lawsuit against public participation—filings. The lawsuits are meant to silence journalists by forcing them to mount a legal defense they can't afford.

U.S. Rep. Devin Nunes of California is among the most recent high-profile figures accused by First Amendment advocates of forum-shopping such lawsuits in Virginia, where anti-SLAPP law is weaker.

The students analyzed laws in other states that help journalists bat down frivolous lawsuits earlier in the process. The clinic's recommendations have since been incorporated into proposed legislation in the Virginia General Assembly.

Prior to the Reporters Committee, Nelson was an associate in Gibson Dunn & Crutcher's D.C. office.

"It muddies the water as to having a baseline level of facts."
—Katie Townsend '07

"If you have to sort of think twice, 'Is this person an FBI agent?,' it makes a person less likely to speak to a journalist."
—Jennifer Nelson '11

Professor Saikrishna Prakash's New Book, 'The Living Presidency,' Examines Modern Executive Reach

UNCHECKED

POWER AT 1600 PENNSYLVANIA AVE.

PROFESSOR SAIKRISHNA PRAKASH isn't the first academic to observe that the modern presidency has become King Kong-like in its outsized reach. But as a scholar who has spent years studying how the office was originally conceived, he may be uniquely positioned to understand just how far we've come.

In his new book, "The Living Presidency: An Originalist Argument Against Its Ever-Expanding Powers," Prakash explains why the executive branch's power has swelled in recent decades, why he thinks that is a problem and how Congress might respond to defend its authority.

The book was published in April by the Belknap division of Harvard University Press.

The idea that presidents make law on a regular basis, rather than merely executing the will of Congress, per the Constitution, is one fundamental change in the office of the presidency.

"Sheriffs don't go around talking about changing the law, because they can't," Prakash said. "Presidents, however, run on a platform of changing the law. And once they get into office, they change the law one way or another. If they can't get legislative reform, they take unilateral acts in furtherance of their policy agenda."

In the book, he gives two cases in point. President Donald Trump shifted money from several federal agency accounts to help pay for the border wall he promised voters. His predecessor, President Barack Obama, established through executive action the Deferred Action for Childhood Arrivals program, or DACA, thereby providing relief to immigrants unlawfully brought here as children.

"Both presidents found creative ways around the congressional roadblock," Prakash said of the controversial moves.

He added, "The constitutional powers and duties of the presidency change as presidents repeatedly undertake transgressive acts. As those precedents accumulate, executive-branch lawyers cite those actions as a basis for future action."

Prakash also examines how presidents acquired power to declare war—a power that the Constitution reserved for

Congress—ostensibly to mount a quick emergency defense but obtained by initiating conflicts overseas over the course of decades.

Other topics he looks at include foreign affairs and the presidential oath.

Prakash said the idea that a president betrays the oath of office by side-stepping the explicit language of the Constitution "is a powerful argument only if you think presidents can't change the Constitution by their acts. But, in fact, presidents are systematically reconstructing their offices as they try to accomplish their personal and policy agendas."

Prakash chose to use the idea of a "living presidency" in the title as a contrast to the idea of a "living Constitution," which progressives have used to explain how constitutional meaning ought to change with the times.

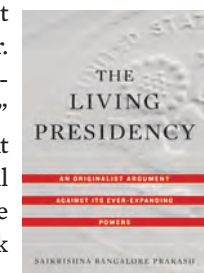
The living Constitution theory becomes problematic, he said, if one understands the president to be an important actor, if not the single-most-important actor, when it comes to constitutional change.

"As presidents change their office, they work to alter the Constitution more generally," he said. "Liberals or progressives tend to favor the idea of a living, evolving Constitution, but they tend to blanch at the idea of an evolving presidency. Part of my hope in writing the book is to get people to wrestle with that apparent contradiction."

In the final chapter, Prakash offers a number of possible ways to rein in presidential power. Most of these measures require that Congress occasionally move beyond partisan affiliations.

"The Living Presidency" is a bookend to Prakash's "Imperial from the Beginning: The Constitution of the Original Executive." The author of more than 75 law review articles and a frequent commentator on the presidency who has testified before Congress, Prakash serves as the James Monroe Distinguished Professor of Law and the Paul G. Mahoney Research Professor of Law.

"The constitutional powers and duties of the presidency change as presidents repeatedly undertake transgressive acts."



JON BRAUSE

TWO IMPEACHMENTS —From One Alum's Perspective

U.S. REP. SEAN PATRICK MALONEY '92, a member of the House Permanent Select Committee on Intelligence who questioned the first witnesses in the impeachment hearings in November, had a unique perspective as the constitutional process played out, ending in President Donald Trump's acquittal in the Senate in February.

Maloney, who represents New York's 18th District, was the only current member of Congress to have worked in the

whistleblower complaints and investigations, and oversees the activities of the intelligence community. The committee also reviews cybersecurity, election hacking and other threats from state and non-state actors.

"The committee is composed of a small group of members from across the country, all with varied backgrounds," he said. "Many of us are lawyers, but some had distinguished careers in law enforcement and as security experts."

Maloney's professional experience includes serving as partner at two top law firms: Orrick, and Kirkland & Ellis.

Clinton was impeached on perjury and obstruction-of-justice charges connected to his sexual relationship with White House intern Monica Lewinsky. Trump was impeached on abuse of power and obstruction of Congress after the House found he solicited foreign interference from Ukrainian President Volodymyr Zelensky in the upcoming presidential election.

In Trump's case, Maloney said, "He used taxpayer money and official acts to pressure a foreign government to help him win reelection by slandering a fellow American [political rival Joe Biden]. He threatened our national security. And, he tried to cover it up.

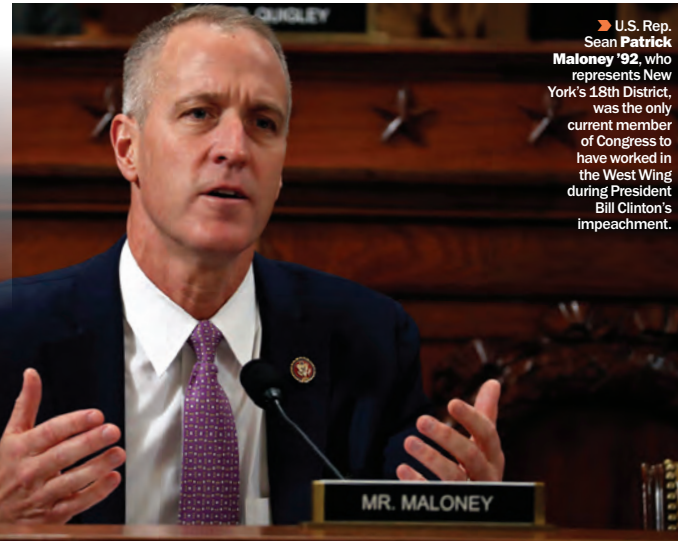
"These actions are unworthy of the presidency, and the evidence made it clear: He had to be held accountable."

The cases were different in nature, but he said they both offer an ongoing lesson: "Impeachment must only be used to protect our republic for future generations. Impeachment should be a last resort."

Maloney suspects history will vindicate the most recent decision to press forward—despite a foretold lack of will in the Senate to convict.

"I believe that, in a few weeks or a few years from now, it will all make a difference in the end," he said. "Ultimately, it's up to us to take back the powers constitutionally granted by Congress and demand that the voices of our constituents serve as a check to the power of the executive branch."

He added that he is still optimistic about the future of America's democratic institutions. The everyday contributions of U.S. Foreign Service officers and security professionals, including those who testified publicly in the House, give him hope.



U.S. Rep. Sean Patrick Maloney '92, who represents New York's 18th District, was the only current member of Congress to have worked in the West Wing during President Bill Clinton's impeachment.

West Wing during President Bill Clinton's impeachment—although 71 of his colleagues were in Congress at the time.

He was in his mid-30s when he served as staff secretary to Clinton, from 1999-2000. (He is among the youngest to have held that position.) Clinton was impeached in December 1998.

From within the White House, Maloney saw firsthand the toll impeachment took on Clinton—who, like Trump, was also acquitted—as well as on the office itself.

"There isn't a day that goes by in the West Wing that the staff secretary doesn't personally interact with the president," Maloney said. "Having lived through this on the other end of Pennsylvania Avenue, I know the gravity of the situation and the high bar impeachment deserves. It is taxing on the office, and taxing on the public."

The intelligence committee he now serves on handles

"Having lived through this on the other end of Pennsylvania Avenue, I know the gravity of the situation and the high bar impeachment deserves."

"Most notable about these attempts is that they never involve ignoring the constitution outright."

Presidents Who Don't Leave

THE UNITED STATES is accustomed to an orderly transfer of power when new presidents are elected. But that's not the case around the world.

Law School researchers found last year that, from the years 2000-2019, about a third of elected presidents worldwide attempted to stay in office beyond the limits of their terms.

Perhaps even more troubling, according to the first-of-its-kind study, two-thirds of presidents who made the attempt succeeded.

"Most notable about these attempts is that they never involve ignoring the constitution outright," said Professor Mila Versteeg, an expert in comparative constitutional law and the study's co-author. "Instead, presidents have used a series of legal strategies to help them get around their constitutionally mandated term limits."

Versteeg teamed up with students in her spring 2018 Comparative Constitutional Law class, whose curiosity initiated the research. The team traced the evasion strategies of 234 incumbents in 106 countries, resulting in the paper, "The Law and Politics of Presidential Term Limit Evasion."

"It went from a class paper to something we could work on over the summer," said Tim Horley '18, who split up the geographic research with fellow students Marilyn Guirguis '18 and Mauricio Guim LL.M. '14 S.J.D. '18.

UVA political science professor Anne Meng helped them establish the project's research and design parameters.

The team broke down the different strategies that presidents employed, which they also detailed recently in an op-ed for *The Atlantic*.

The most common strategy, accounting for about 66 per-

cent of the attempts to stay, was to amend the constitution—as President Xi Jinping did in 2018, removing China's term limits.

In other approaches, presidents called for the creation of all-new constitutions, often arguing that a new constitution meant that they hit the reset button on term limits. They also challenged the constitutionality of term limits in court, sought a successor they could control or delayed elections, Versteeg said.

The op-ed writers penned the piece, in part, in response to Russian President Vladimir Putin's Cabinet shake-up in January. The move was viewed as the beginning of radical constitutional reforms. "These measures are very likely aimed at ensuring that Mr. Putin can remain in power after 2024, when constitutional term limits will force him out of the presidency," they write.

What are the implications of the term-limit evasion trend for the United States?

Despite President Donald Trump's comments indicating that he might not leave office after his time is up, Versteeg sees that as unlikely. The U.S. is a stable democracy that has always had an orderly rotation of power.

"In our study, we find that term limit evasion is rare in consolidated democracies," Versteeg noted, "although there are countries where it is an issue of debate, such as South Korea, which is considering moving from a single five-year term to two four-year terms."

Versteeg is a Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law, director of the Human Rights Program and a senior fellow at the Miller Center.





An Ambassador FOR THE *Law of the Sea*

BY ERIC WILLIAMSON

PROFESSOR JOHN NORTON MOORE, an educator, diplomat and public servant who has worked to promote the rule of law around the globe, retired from the Law School on Feb. 1 after serving 53 years on the faculty. Among his major accomplishments, he helped lay the groundwork for the Law of the Sea Treaty, currently in force for 168 countries and the European Union.

Moore led both the Center for National Security Law and the Center for Oceans Law and Policy at UVA.

From 1973 to 1976, Moore chaired the National Security Council Interagency Task Force on the Law of the Sea, resulting in the United Nations Convention on the Law of the Sea, which extends the rule of law to the world's oceans.

"We were negotiating with over 130 countries in the world," he said. "Basically, we were negotiating a constitution for two-thirds of planet Earth. The UNCLOS Convention is second only to the United Nations Charter in its importance as a multilateral treaty."

Later, the Center for Oceans Law and Policy, which he founded in 1976, produced an exhaustive article-by-article analysis of the treaty.

"The center commentary is the definitive document that the Law of the Sea Tribunal in Hamburg would go to," Moore said.

Throughout the years, the United Nations, U.N. specialized agencies, and nations as diverse as China, Germany, Indonesia, Russia and Sweden have co-hosted annual conferences with the center. The center also hosts a law of the sea training institute for diplomats, government officials and scholars through the Rhodes Academy in Greece, which the center founded 25 years ago.

Moore also helped establish the field of national security law. He taught the first course on the subject in the 1970s; created the Center for National Security Law in 1981 (and worked with other universities to help them found similar centers); and in 1991 published the first casebook on the subject, "National Security Law," now in its third edition.

The Center for National Security Law has advanced the knowledge of working national security law professionals, and even members of the judiciary, through its seminars and outreach. While the center doesn't directly lobby or advocate for policy, the U.S. Senate adopted the Convention on the Prevention and Punishment of the Crime of Genocide in the 1980s in part due to the center's initiatives and educational efforts, Moore said.

In addition, Moore was a four-term chairman of the original American Bar Association Standing Committee on National Security Law. Under his leadership, the committee launched an annual conference in Washington, D.C., that now attracts hundreds of participants.

"In fact, I changed the committee name," Moore said. "The committee had earlier been called the Committee on Education Against Communism under the leadership of Lewis Powell, who, of course, later became a Supreme Court justice."

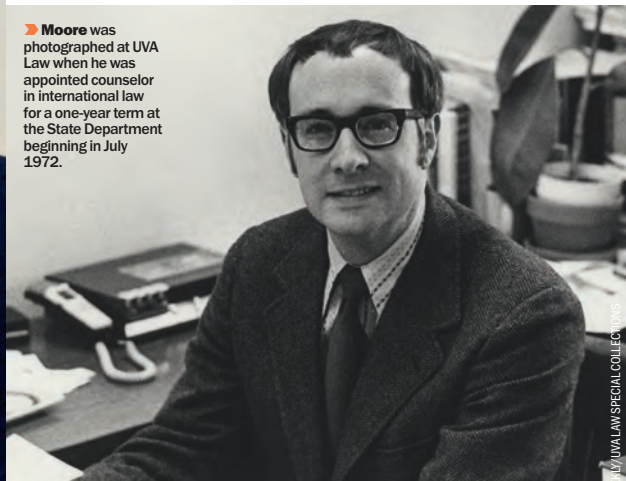
Moore has also served his country both while taking leave from Virginia and while a full faculty member. In part, this service includes:

- During the 1970s, he served with leave for a four-year period, first as counselor on international law to the State Department and then as ambassador and deputy special representative of the president for the Law of the Sea Negotiations and chair-



▶ John Norton Moore served in President Ronald Reagan's administration.

*To John Norton Moore
With best wishes,
Ronald Reagan*



▶ Moore was photographed at UVA Law when he was appointed counselor in international law for a one-year term at the State Department beginning in July 1972.

I was honored to contribute to a massive collection of readings and documents that he produced on the Arab-Israeli conflict," said Yoram Dinstein, a prominent authority on the laws of war and professor emeritus at Tel Aviv University. "In all, if I am allowed to paraphrase what has been said about another Virginian some time ago, I would sum up my overall impression of John by suggesting that he is first in the law of war, first in the law of peace and first in the hearts of his colleagues everywhere."

Moore received his J.D. from Duke University in 1962 and his LL.M. from the Illinois College of Law in 1965. He subsequently pursued post-doctoral work at Yale before transitioning to Virginia.

He retired as the Walter L. Brown Professor of Law.

"I have had the greatest respect for the leadership of the Law School throughout my half-century tenure," Moore said. "It's been a privilege to be a part of this great faculty and to have worked with such outstanding students. Virginia also provided a wonderful opportunity to work to make a difference in the world—and I hope I've made a few that matter."

While he may be retiring, he's not slowing down. He is currently working with about 30 international legal experts, including Dinstein, to create a manual for use of force in international relations.

"There are many manuals on jus in bello, the legal rules on how you fight wars, but there's no comparable manual dealing with jus ad bellum, or when it's lawful to fight wars," Moore said.

With Moore, there's the belief that his personal best is always yet to come. A competitive weightlifter, he won the world championship in Tokyo in May 2019 in the 70-and-up master's category for the bench press. He sang along to the national anthem as he stood on the podium.

He has been an eight-time member of the U.S. National Powerlifting Team in the World Championships, winning one gold, one silver and three bronze medals, and an eight-time member of the U.S. National Team in the North American and Pan American Championships, winning numerous gold medals. He holds two U.S. national records for the bench press.

man of the National Security Council Eighteen Agency Task Force on the Law of the Sea.

- From 1985 to 1991, he chaired the board of directors of the U.S. Institute of Peace, one of six presidential appointments he has held. (Professor Robert F. Turner, the retiring associate director of the Center for National Security Law, was the institute's first president.)
- During the 1980s, he served on the board of the nongovernmental organization Freedom House, where he initiated and wrote the first draft for what later became the Community of Democracies, an international organization devoted to the promotion of democracy and the rule of law.
- With the deputy attorney general of the United States, Moore was co-chair in March 1990 of the U.S.-USSR talks in Moscow and Leningrad on the rule of law, and he drafted and presented the overview paper for the United States.
- From 1991-93, during the Gulf War and its aftermath, Moore was the principal legal adviser to the Kuwaiti ambassador to the United States and to the Kuwaiti delegation to the U.N. Iraq-Kuwait Boundary Demarcation Commission.

Moore is the author of more than 40 books, including the influential "Solving the War Puzzle," which advances theories on the causes of war, and how to prevent them. He recently co-edited "Lifting the Fog of War: New Thinking About War and War Prevention," which updates his theories. And he has recently completed a new book, "The Trillion Dollar Hoax: How an Isolationist Narrative against the Law of the Sea Treaty Betrayed America."

In all, he has authored more than 200 articles, monographs and book chapters.

"I have known John Norton Moore since the 1970s, when

First President of U.S. Institute of Peace Wraps Up Academic Career

BY ERIC WILLIAMSON

PROFESSOR ROBERT F. TURNER '81 S.J.D. '96, the co-founder and associate director of the Center for National Security Law at UVA, retired in January after more than 32 years at the Law School. He previously served as the first president of the congressionally established U.S. Institute of Peace, which works to promote the prevention and resolution of conflicts worldwide.

"I've been so lucky," Turner said. "I've had incredible jobs working for bosses I deeply admired."

Turner served alongside Professor John Norton Moore, the center's director, since they founded the center in 1981, but has taken breaks for government service and to serve as the Charles H. Stockton Professor of International Law at the Naval War College in 1994-95.

He earned his J.D. and S.J.D. from the Law School, and wrapped up his academic career at the same time as Moore.

Turner is a former Army captain who served two voluntary tours of duty in Vietnam.

"I went to Vietnam as an idealistic young kid who had watched every John Wayne movie ever made and was really excited about serving my country and going to war," he said. "When I got there, I witnessed the realities of war and developed a great fondness for peace."

He added that war, however, is sometimes a necessary evil. Turner and Moore were both active defenders of the Vietnam War at teach-ins, debates, and in the pages of law reviews and major newspapers during the war.

Upon leaving the Army, Turner served as public affairs fellow at Stanford's Hoover Institution on War, Revolution and Peace—where he authored the first major book in English on Vietnamese Communism.

He then spent five years in the mid-1970s as national security adviser to U.S. Sen. Robert P. Griffin, a member of the Senate Foreign Relations Committee. It was during his

time on the Hill that Turner met Moore, who was serving as ambassador to the Law of the Seas conference. They knew of each other's writings on the war and quickly struck up an enduring friendship.

"We've been best friends since early '74," Turner said.

Turner, like Moore, served in the executive branch under President Ronald Reagan. Turner served in the Pentagon, as special assistant to the undersecretary of defense for policy; then in the White House, as counsel to the President's Intelligence Oversight Board; and finally at the State Department, as acting assistant secretary for legislative affairs.

At the end of that service, Turner turned down a job from one of D.C.'s premier lobbying firms to teach at UVA, a decision he says he's never regretted.

Turner co-taught National Security Law and advanced national security law seminars on the Indochina War, and on war and peace, with Moore at the Law School. In addition, he taught undergraduate courses at Virginia on international law, U.S. foreign policy, the Vietnam War, and foreign policy and the law in what is now the Woodrow Wilson Department of Politics.

He is the author or editor of 17 books and monographs, including co-editor of the center's 1,600-page "National Security Law & Policy" casebook, and has penned scores of

articles, essays and op-eds. Over the decades, he testified before more than a dozen congressional committees.

A former three-term chairman of the ABA Standing Committee on Law and National Security (and editor of the ABA National Security Law Report for many years), Turner also chaired the Executive-Congressional Relations Subcommittee of the ABA Section on International Law and Practice.

Throughout much of his time at the University, Turner juggled his job responsibilities with being a single dad: "The best job I ever had."



▶ Robert Turner testifies in one of his many appearances before Congress.

She Sought Fairness in Finance

BY ERIC WILLIAMSON

PROFESSOR MILDRED ROBINSON, a groundbreaking tax law instructor whose scholarship and community service have emphasized equity, retired this spring after almost 35 years on the Law School faculty.

Robinson was UVA Law's first African American female tenured professor. She was hired with tenure in 1985 from Florida State University.

At FSU, she received the President's Award for teaching and served as associate dean for academic affairs. Having earned her J.D. from the Howard University School of Law and her LL.M. from Harvard Law School, she brought her expertise in federal income tax, state and local tax, and trusts and estates to UVA.

Her students routinely gave her courses, known for their human touch, rave reviews.

"One of my greatest, and perhaps most fortuitous, decisions in law school was to register for Mildred Robinson's Federal Income Tax," said Kieran D. Hartley '14, a California employment lawyer with experience in bankruptcy matters. "The connection I felt was instant and enduring."

He went on to take her other available classes as well.

"Her approach to tax law is deeply theoretical, yet immensely accessible in practical applications," Hartley said. "That approach constantly challenged me to understand why we structure tax law in its labyrinthine form in this country,



» **Professor Mildred Robinson** who taught law for 47 years, looks forward to spending more time with her children, one of whom is a law professor at Villanova University, and her grandchildren.

and why this may be good or bad.”

Robinson started teaching at the Law School as a visiting professor in 1984. She taught for 47 years in total. When she began her academic career in Florida, it was rare to be a woman teaching law, much less an African American woman.

“There was only one black woman in the legal academy [at a historically white institution] at that point—Joyce Hughes; she was at Minnesota and is now at Northwestern,” Robinson said. “It was my first job. I went in totally not knowing what to expect, except that I wanted to teach tax. I was very interested in tax by virtue of my exposure at Harvard.”

Robinson’s mentor in tax law was Harvard professor Stanley S. Surrey, who coined the term “tax expenditure” while serving as assistant secretary of treasury for tax policy. Surrey was among the first academics to research the fiscal impact on the government of tax breaks and loopholes.

Derrick Bell, another scholarly influence, recommended Robinson for the FSU job. Bell was an attorney, civil rights activist and the first tenured African American law professor at Harvard. Robinson said she fondly remembers how Bell wove in student presentations with his own instruction, allowing her to work through thoughts on such issues as equal access to financing for home ownership.

Robinson found the work environment at FSU, which had only been in operation for a few years when she joined, to be highly supportive. She gained experience there, then served as a visiting professor at UVA Law for a year before accepting Dean Richard Merrill’s offer of a permanent position.

Over her career, Robinson wrote about everything from stabilizing public school financing to raising public money for stadiums. A common thread in her research and writing was social fairness in finance.

“Mildred Robinson’s scholarship views tax law as a central element of social policy rather than a technocratic solution to the government’s budget problem,” her 2004 scholarship profile in Virginia Journal reads.

A 2017 paper published in the Villanova Law Review looked at the problem of funding government through fines. In the piece, Robinson contends that not all fines are bad, but governments such as the one in Ferguson, Missouri, invite disaster by relying heavily on fines to provide municipal services. A climate of aggressive policing in Ferguson culminated with a white police officer fatally shooting a black resident—18-year-old Michael Brown—and led to riots in 2014. Robinson said financial pressures placed upon the police force undoubtedly contributed to increasingly fraught relations between the police and the residents of Ferguson.

She has spoken publicly, including at symposia, about her paper.

“Reliance on traffic-fine revenue collected by the police force for general governance expenses represents a significant departure from local governments’ historic reliance on various levies otherwise imposed,” she said in a recent UVA Law Q&A. “As this shift occurs, governance costs are increasingly borne by those residents relatively less able to bear them. All of this became even more troubling in Ferguson, where evidence established a racial animus in ticketing practices. The combination of factors led to the Department of Justice’s conclusion linking revenues practices with patterns of unconstitutional policing.”

While she has mostly written about financial issues, Rob-



Gigli Parris '06 speaks with Robinson after class.

inson said her proudest academic moment may be when she “went off script” to work on the book “Law Touched Our Hearts: A Generation RemeOmbers *Brown v. Board of Education*” (Vanderbilt University Press, 2009), which she co-edited with Professor Richard Bonnie ’69.

The book started as a conversation between the professors about their personal experiences growing up at the end of the school segregation era. Their project soon morphed into a massive mail survey of legal academicians born during the period of 1937-1954. The effort effectively shut down the Law School’s mailroom until the mailing went out, Robinson said.

The resulting essays in the book served as a snapshot of a changing moment in American history. Bonnie said the project was one of his most rewarding scholarly experiences, and a welcome opportunity to explore the past, and how individual experiences differed, with his friend and colleague.

“Even today, I am touched by rereading these essays and grateful to Mildred for the opportunity to collaborate with her on this project,” Bonnie said.

“Mildred’s enduring impact on this Law School will be acknowledged and admired for generations to come, but being her colleague has been a distinct personal blessing for me



Robinson started teaching at the Law School as a visiting professor in 1984.

predated the personal computing revolution. “In order to have 30 gigs of capacity, you had to have a system as big as this office,” she said, referring to her space at the Law School.

Robinson later worked in IBM’s marketing department before pursuing her advanced law degree. She earned her LL.M. from Harvard in 1971, then worked for a year as director of admissions and assistant dean at Boston University.

Throughout her career, she has been active in community service. Volunteering has allowed her, in part, to advocate for fairness on behalf of those who might otherwise be overlooked.

Robinson has served on the board of trustees of the Law School Admission Council, a national organization whose primary function has been to oversee administration of and research pertinent to the LSAT. She was a member of the inaugural board of directors for Law Access, Inc. (currently known as The Access Group), which is focused on educational lending. She was a commissioner from Virginia to the National Conference on Uniform State Laws from 1990-94 and was a member of the board of visitors for the J. Reuben Clark Law School at Brigham Young University from 1993-96. She served as a member of the executive committee of the Association of American Law Schools from 2000-03. Heading into

retirement, she was continuing to serve as a member of that organization’s Resource Corps and as a member of the American Law Institute.

At UVA, she regularly served on committees that facilitate school business. She also created and was in charge of the long-running “Profiles from Practice” series, in which successful lawyers made special visits to the school. A goal of that program was to expose students to role models of diverse backgrounds.

In Charlottesville, she served on the boards of Piedmont CASA (Court Appointed Special Advocates), the Center for Nonprofit Excellence and Martha Jefferson Hospital.

Robinson was married to noted UVA history professor Armstead L. Robinson, who died in 1995. She called that marriage, her second, “an unexpected gift,” and said she will always remember UVA and the Law School for its many kindnesses, in particular during her time of grief.

She has three adult children who live in Philadelphia. Her oldest daughter, Teressa Ravenell, is a law professor who teaches civil procedure at Villanova University.

Robinson retired as the Henry L. and Grace Doherty Charitable Foundation Professor of Law.

because she has been a wonderful, thoughtful friend. Based on our very different personal backgrounds and domains of specialization, one might assume we have little in common, but I feel quite the opposite. We have always seemed to see the world the same way—in our understanding of the past and our hopes for the future.”

The daughter of high school educators, Robinson grew up in South Carolina and graduated a year early from Gallman High School in Newberry. (“My dad was my principal, so I always had to mind my p’s and q’s,” she said.) She earned her undergraduate degree from the historically black Fisk University in Nashville, Tennessee, in 1965. While in college, she spent a summer working at the State Department under a program meant to interest rising college seniors in foreign service, but she rejected that possibility in favor of a more settled life in the U.S. She graduated from Howard in 1968, but at a time when firms and law departments weren’t recruiting minorities in large numbers. Instead, she went to work for IBM as a systems engineer, developing software and hardware configurations.

“It was problem-solving, drawing on some of the same kinds of skills you use as a lawyer,” she said of the job, which

The Jefferson Letter That Started It All

JUST MONTHS BEFORE HIS DEATH, UVA founder Thomas Jefferson wrote to each member of the board of visitors with exciting news: The University had hired its first law professor and the Law School was slated to open.

One of those letters now has a home at UVA Law.

The General Assembly chartered UVA and a “department” of law in 1819, and Jefferson served as the first rector, alongside visitors such as James Madison and James Monroe. John Tayloe Lomax was the first law professor and taught his first classes in Pavilion III in 1826.

According to Special Collections Librarian Randi Flaherty,

died before assuming office. Lomax, a Virginia native practicing law in Fredericksburg, was chosen by Jefferson and Madison for his political principles as well as his pedagogical skills, according to “Reading Law in the Early Republic Legal: Education in the Age of Jefferson,” a chapter Flaherty co-authored in the book “The Founding of Thomas Jefferson’s University.” Lomax served until 1830, when he resigned to become a state judge.

Most lawyers in Jefferson’s time trained as apprentices in private law of-

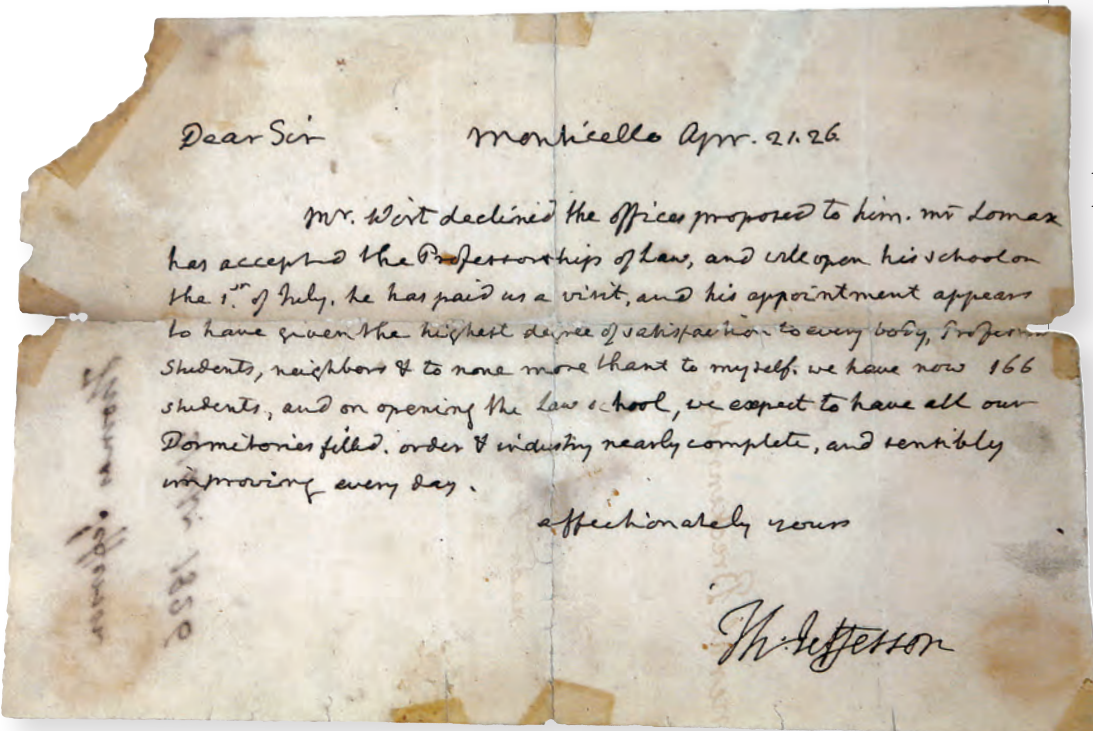
A Letter From Thomas Jefferson

Monticello Apr. 21.26.

Dear Sir

Mr. Wirt declined the offices proposed to him. Mr. Lomax has accepted the Professorship of Law, and will open his school on the 1st day of July. He has paid us a visit, and his appointment appears to have given the highest degree of satisfaction to every body, professors, students, neighbors & to none more than to myself. We have now 166 students, and on opening the Law school, we expect to have all our Dormitories filled. Order & industry nearly complete, and sensibly improving every day.

Affectionately yours
Thomas Jefferson



the letter, which was displayed in September at the Arthur J. Morris Law Library, demonstrated Jefferson’s unique attention to creating the Law School.

“Unsurprisingly, Thomas Jefferson wanted law taught a certain way at the University of Virginia—with an emphasis on legal philosophy as much as procedure, as part of the University’s liberal arts curriculum, so that law students could take classes in other schools,” Flaherty said.

Jefferson also wanted the department’s first teacher to depend largely on the writings and thinking of Sir Edward Coke, rather than William Blackstone.

“Jefferson sought someone with sound Republican politics, so that Federalist or consolidationist thinking would not infiltrate the law curriculum and the young legal minds he expected would go on to become the nation’s leading statesmen and jurists.”

Seven prior candidates for law professor either declined or

refused, Flaherty said, so the opening of the Law School at UVA was an important moment in Virginia’s shift to teaching law in an academic setting.

“Jefferson and Madison also selected a required reading list for the law curriculum, which they did not do for the other University schools,” she said.

Two centuries later, UVA Law is the second-oldest continuously operating law school in the nation.

The Law Library bought the letter, dated April 21, 1826, at auction at Sotheby’s from The James F. Scott Collection, through the Charles J. Sheppe Memorial Fund. The Jefferson letter will now be part of the Law Library’s Special Collections and Archives. Interested researchers should contact archives@law.virginia.edu.

—Mike Fox

FACTORY



BEHIND THE SCHOLARSHIP: ASHLEY DEEKS ON A ‘SECRET’ PAPER

PAGE 58

KEEPING SECRETS

PROFESSOR ASHLEY DEEKS' NEW PAPER EXPLORES ACCOUNTABILITY FOR CLASSIFIED DECISIONS

When the United States recently moved in on Islamic State leader Abū Bakr al-Baghdadi al-Qurayshi, resulting in al-Baghdadi's suicide by explosive vest, the U.S. conducted the military operation under the highest secrecy. That the public learned so much detail about the mission after the fact was unusual.

The president, courts and Congress make national security decisions every day that the public may never hear about. There is little or no reporting, by design, because transparency could jeopardize U.S. national security and American lives.

So what level of accountability exists for classified decisions made in the interest of national security? Professor **ASHLEY DEEKS** explores the issue in her new paper, "Secret Reason-Giving," published in the Yale Law Journal in January. Deeks, a national security law expert who formerly advised the State Department's Office of the Legal Adviser and served as a U.S. embassy adviser in Baghdad, said the article developed from a series of faculty incubator lunches in which colleagues offered feedback about what she was working on.

Among the better-known examples of secret reason-giving are those mandated by statute. The U.S. Foreign Intelligence Surveillance Act, for example, requires the executive branch to give the FISA court reasons why a foreign electronic surveillance warrant is merited. Likewise, a judge on the FISA court must give a written reason when denying a request, to facilitate the appeals process.

In other instances, such as a classified report prepared by the Senate Select Committee on Intelligence or an executive official making the case to Congress for conducting air strikes against an enemy, reasons would naturally follow in support of arguments and conclusions.

Checking executive branch decision-making is perhaps the most important function of secret reason-giving, Deeks argues in her paper. It "strikes a balance between two unappealing alternatives: allowing the Executive to decline to share its decision-making with any other branch and act unilaterally, or requiring the Executive to publicly share all of its decisions and justifications."

Deeks maps in the paper how executive branch reason-giving can work internally among superiors, subordinates and peers inside the executive branch, and externally to the other two branches. She notes that secret reason-giving can even extend beyond the U.S. government to allies, as when the United States seeks to persuade those allies to join it in classified operations.

She ultimately finds that "secret reason-giving improves the overall quality and effectiveness of government decision-making and operations, constrains the decision-maker, and strengthens the decision-maker's legitimacy."

At UVA, Deeks is E. James Kelly, Jr.—Class of 1965 Research Professor of Law; a senior fellow at the Center for National Security Law; and a faculty senior fellow at the Miller Center. She has written articles on the use of force, executive power, secret treaties, the intersection of national security and international law, and the laws of armed conflict. She is a member of the State Department's Advisory Committee on International Law and serves as a senior contributor to the Lawfare blog. Deeks also serves on the boards of editors of the American Journal of International Law and the Journal of National Security Law and Policy. She is the supervising editor for AJIL Unbound and a senior fellow at the Lieber Institute for Law and Land Warfare.

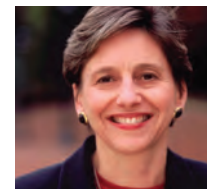
—Eric Williamson



➤ FOR MORE STORIES IN THIS SERIES, SEE law.virginia.edu/behind-scholarship



KENNETH S. ABRAHAM co-authored the seventh edition of "Insurance Law and Regulation" with Daniel Schwarcz of the University of Minnesota Law School, and "First Amendment Imperialism and the Constitutionalization of Tort Law" with **G. EDWARD WHITE** in the Texas Law Review.



BARBARA ARMACOST '89 authored an article, "Celebrating Bob Cochran and the Future of Embodied Christian Legal Scholarship," that will appear in the Pepperdine Law Review in the spring as part of a festschrift for Pepperdine law professor Robert Cochran.



MICHAL BARZUZA presented "Long-Term Bias" at the Harvard Law and Economics Seminar, and also presented at the Tel Aviv University law and economics workshop; the Herzog Fox & Neeman discussion on shareholder activism in Israel; and the UCLA-UVA Corporate & Securities Law Conference. She was elected as a board member of the Society of Empirical Legal Studies from 2019-2022, and was chosen as a research fellow at the Institute of Advanced

Studies at Hebrew University for 2020-21. Barzuza will publish "Shareholder Value(s): Index Fund Activism & the New Millennial Corporate Governance," co-authored with **QUINN CURTIS** and David Webber, in the Southern California Law Review.



In collaboration with colleagues serving on the Ethics, Law and Humanities Committee of the American Academy of Neurology, **RICHARD BONNIE '69** has been developing a strategy for modifying the Uniform Determination of Death Act to resolve several controversial issues regarding the determination of "brain death." Three articles were published in the fall and winter of 2019-20 in the medical and legal literature, including the Journal of Law, Medicine and Ethics; Annals of Internal Medicine; and JAMA Neurology.

In December 2019, the University's Institute of Law, Psychiatry and Public Policy issued an interim Report on Mandatory Outpatient Treatment produced by a work group chaired by Bonnie and supported by the Virginia Department of Behavioral Health and Developmental Services. The report summarized implementation of such treatment since the judicial procedures were enacted in 2008 in the wake of the Virginia Tech tragedy. The work group's initial legislative recommendations were adopted by the Virginia General Assembly during the 2020 session. A final report will be released during the summer of 2020.

"The Promise of Adolescence," a consensus report of the National Academies of Sciences,

Engineering and Medicine chaired by Bonnie, has received considerable attention following its release in 2019. Dissemination efforts are underway in education, health services and other youth-serving systems. He spoke at the Society for Research on Adolescence in San Diego in March and at two UVA events sponsored by the Curry School and the ILPPP.

Bonnie also gave talks sponsored by the Bloomberg School of Public Health, in Baltimore, and the Georgia Bar Association, in Atlanta, on the constitutional foundation of "extreme risk protective orders," which are designed to remove firearms from individuals whose behavior shows an elevated risk of suicide or violence to others. These policies, already enacted in 17 states, have been designed, disseminated and monitored by the Consortium on Risk-Based Firearm Policies. Bonnie, a founding member, sits on the Consortium's Steering Committee.

Bonnie spoke Feb. 21 at an Arizona State University Sandra Day O'Connor College of Law conference commemorating the 50th anniversary of enactment of the federal Controlled Substances Act in 1970. He used his talk as an opportunity to highlight the work of the National Commission on Marijuana and Drug Abuse, for which he served as associate director from 1971-73. Bonnie's central claim is that the commission and key federal drug policy officials developed and implemented progressive public health-oriented drug policies during the 1970s. Unfortunately, repressive policies embraced in response to the "crack" epidemic in the 1980s weakened the public health infrastructure for addiction treatment



UNDER FACULTY LEADERS, UVA LAW TO HOST EMPIRICAL LEGAL STUDIES CONFERENCE

The Law School will host the 16th annual Conference on Empirical Legal Studies, known as CELS, in 2021. Additionally, Professors **MICHAL BARZUZA**, **KEVIN COPE** and **QUINN CURTIS** were elected to the Society for Empirical Legal Studies board of directors for three-year terms.

Sponsored by the society, the conference brings together scholars from law, economics, political science, psychology, policy analysis and other fields who are interested in the empirical analysis of law and legal institutions.

Fourteen members of the Law School faculty hold a Ph.D. in a social science discipline with a quantitative focus, and over a dozen more have published their empirical research in law reviews or peer-reviewed law or social science journals. Over the past several years, several faculty members have participated at CELS as either presenters or panelists.

Barzuza serves as a research member of the Brussels-based European Corporate Governance Institute. Her co-authored paper "Long-Term Bias" inspired an analysis published in March in The Wall Street Journal. Barzuza earned an S.J.D. from Harvard Law School.

Cope is an associate professor of law at the Law School, an associate professor of law and public policy at the Batten School of Leadership and Public Policy, and faculty affiliate at the Woodrow Wilson Department of Politics. One of his ongoing projects involves developing an "expert crowd-sourced" text-analysis method for rating all U.S. federal judges on a single ideological scale. He earned a Ph.D. in political science from the University of Michigan and J.D. from the Northwestern University School of Law.

Curtis teaches courses on corporate law, securities and venture capital. His research focuses on empirical law and finance. Last year he authored a Washington Post op-ed based on his paper "Costs, Conflicts, and College Savings: Evaluating Section 529 Savings Plans." He earned a Ph.D. in finance from the Yale School of Management and J.D. from Yale Law School.

—Mike Fox

DEEKS, HELLMAN ELECTED TO AMERICAN LAW INSTITUTE

Professors **ASHLEY DEEKS** and **DEBORAH HELLMAN** were elected as members of the American Law Institute.

There are now 26 members of the UVA Law faculty currently affiliated with ALI.

The institute is the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. The organization includes judges, lawyers and law professors from the United States and abroad, selected on the basis of professional achievement and demonstrated interest in improving the law.



The organization includes judges, lawyers and law professors from the United States and abroad, selected on the basis of professional achievement and demonstrated interest in improving the law. Deeks and Hellman, who both joined the Law School in 2012, were among 45 new members inducted in December nationwide.

Deeks is the E. James Kelly, Jr.—Class of 1965 Research Professor of Law and a senior fellow at the Center for National Security Law, and at the Miller Center. She is also a member of the State Department's Advisory Committee on International Law and formerly served as the assistant legal adviser for political-military affairs in the U.S. State

Department's Office of the Legal Adviser.

Hellman is the David Lurton Masee, Jr., Professor of Law and Roy L. and Rosamond Woodruff Morgan Professor of Law. Her article "A Theory of Bribery" won the 2019 Fred Berger Memorial Prize (for philosophy of law) from the American Philosophical Association. Hellman and Professor Michael Gilbert are inaugural scholars in UVA's Corruption Lab on Ethics, Accountability, and the Rule of Law, also known as CLEAR.

Members were selected from confidential nominations submitted by ALI members. ALI was formed in 1923 "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work."

—Mike Fox

and produced mass incarceration, leaving the nation unprepared for the worst opioid epidemic in its history.



Before the event was canceled due to COVID-19, **DARRYL BROWN '90** was scheduled to speak on the worldwide trend of the "disappearing trial" and the U.S. model of plea bargaining at the national meeting of German criminal defense lawyers in Berlin in March. He also gave the Barrock Lecture on Criminal Law at Marquette University Law School in November. He was scheduled to speak in April at an international criminal procedure symposium hosted by Bucerius Law School in Hamburg, Germany, before it was canceled.

Brown's recent publications include "Does it Matter Who Objects? Rethinking the Burden to Prevent Errors in Criminal Process," forthcoming in the Texas Law Review, and "The Case for a Trial Fee: What Money Can Buy in Criminal Process" in the California Law Review.



JONATHAN CANNON is leading a new initiative at the Law School—the Program in Law, Communities and the Environment—which held its inaugural meeting March 27 (see story on p. 13). The program will support teaching, discourse and research on questions of environmental law

and social justice as they relate to diverse communities and places across the globe. In February, Cannon spoke on the politics of climate change at a University of Miami symposium. His chapters on judicial review of climate change regulations under the Clean Air Act and on the Environmental Protection Agency's implementation of the Clean Water Act are scheduled to appear in books published this year.



In November, **KEVIN COPE** was elected to the board of directors of the Society for Empirical Legal Studies. Along with **MICHAEL BARZUZA** and **QUINN CURTIS**, he will serve as co-president of the 2021 Conference on Empirical Legal Studies, to be held at the Law School. Earlier this year, Cope's co-authored article, "A Nationalist Backlash to International Refugee Law: Evidence from a Survey Experiment in Turkey," was accepted for publication in the Journal of Empirical Legal Studies.



QUINN CURTIS' recent article on the Department of Labor Fiduciary Rule, "The Fiduciary Rule Controversy and the Future of Investment Advice," was published in the Harvard Business Law Review. "Revealing Corporate Financial Misreporting," with

business professors Justin Hopkins and Dain Donelson, is forthcoming in the peer-reviewed journal Contemporary Accounting Research. Curtis' current projects focus on retirement savings and corporate governance.



ASHLEY DEEKS gave several talks this fall related to the use of machine learning by the military. She spoke at the 10th National Security Law Workshop on a panel addressing the impact of autonomous weapons on the War Powers Resolution. At a conference held at West Point looking ahead at what the laws of armed conflict could be in 2040, she presented a paper on how militaries might code the laws of armed conflict into algorithms. She also spoke at the Defense Intelligence Agency about the use of machine learning algorithms and the role of lawyers.

In December, her piece "The Judicial Demand for Explainable AI" appeared in the Columbia Law Review, and in January, the Yale Law Journal published her article "Secret Reason-Giving." She joined Curtis Bradley and Jack Goldsmith in the seventh edition of their "Foreign Relations Law" casebook, which came out this spring.

Deeks presented a paper this spring about the new role for technology companies and state and local governments in checking executive branch secrecy at workshops at Harvard Law School and the University of Houston Law Center.



In November, **KIMBERLY KESSLER FERZAN** was an International Visiting Fellow at the University of Warwick's Institute for Advanced Studies. While at Warwick, Ferzan presented "#BelieveWomen and the Presumption of Innocence: Lessons for Law and Life" at the Centre for Ethics, Law and Public Affairs; co-organized a workshop on sexual consent, where she presented "Dissent-Sensitive Permissions"; and gave a public lecture on "Consent, Culpability, and the Law of Rape." While in the U.K., Ferzan also gave a KJuris seminar at King's College in London, workshoping her "#BelieveWomen" paper, and she also workshoped "Dissent-Sensitive Permissions" at a Hart Seminar at the University of Surrey.

In December, Ferzan participated in the "Roots of Responsibility" conference at University College in London, where she presented "#BelieveWomen and the Presumption of Innocence: Lessons for Law and Life." Also that month, she traveled to Oslo to participate in a workshop on University of Southern California law and philosophy professor Jonathan Quong's forthcoming self-defense book, presenting "Quong and the Means Principle: Quibbles, Questions, and Qualms."

Ferzan's co-edited book, "The Palgrave Handbook of Applied Ethics and the Criminal Law," was published at the end of 2019. It includes both senior established scholars and rising stars, and a wide range of topics are covered, including revenge porn, neurosci-

ence and criminal law, the death penalty, stand your ground laws, fraud and animal rights.



In February, **JOE FORE '11** began authoring a new, regular feature devoted to legal writing in Virginia Lawyer, the official publication of the Virginia State Bar. His first column, "Four Steps to More Concise Writing," focused on advanced editing tips to help lawyers trim excess language from their writing.



GEORGE GEIS recently published "Information Litigation in Corporate Law" with the Alabama Law Review. He also presented on this topic at Elon Law School and at UCLA. Geis joined and published the fourth edition of the casebook "Corporate Finance: Principles and Practice" (Foundation Press) with Emory law professor William Carney and Berkeley law professor Robert Bartlett, and is teaching from his new casebook this spring. Geis also gave talks at Fordham Law School on blockchain and the law, and at the University of Utah on a current research project exploring shareholder responsibility for corporate misdeeds. And he has been active as the faculty director of the John W. Glynn, Jr. Law & Business Program—teaching a new seminar in this area, coaching the Law School's new transactional law case competition team, and leading

other activities at the intersection of law and business.



MICHAEL GILBERT published "Insincere Evidence" in the Virginia Law Review and "The Law and Economics of Entrenchment" in the Georgia Law Review. In November, he presented chapters from a book project at the Latin American Workshop in Law and Economics in Mexico City. In February he presented "Do Good People Need Good Laws? Economics and the Expressive Function," co-authored with **ANDREW HAYASHI**, at Berkeley Law School. Gilbert is spending the spring 2020 semester teaching a class on constitutional law and economics at Universidad Torcuato Di Tella in Buenos Aires, Argentina. Along with **DEBORAH HELLMAN**, Gilbert co-leads a UVA Democracy Initiative called CLEAR: Corruption Lab for Ethics, Accountability, and the Rule of Law. CLEAR held an inaugural event in November featuring anti-corruption activist Bill Browder and political commentator David Gergen.



RISA GOLUBOFF contributed an article, "On Firsts, Feminism, and the Future of the Legal Profession," to "Women & the Law," a joint publication of 15 different law reviews, including the Virginia Law Review. As a member of the Deans Steering Committee for the Association of



GEIS ADDS CORPORATE LAW EXPERTISE TO THE GREAT COURSES SERIES

Professor **GEORGE GEIS**, an expert in corporate law and finance, is the latest UVA Law professor to be tapped for The Great Courses series.

Geis teaches an introduction to corporate law in the "Law School for Everyone" category.

"Corporate law is society's means of facilitating the good that corporations do while reining in bad behavior—setting the boundaries of fair play so that different players can focus their energy and resources on productive efforts," he says in an online promotion for the class, which is available in video and audio formats.

The 12-part course outlines the various types of corporations, including how they're created; examines the work of boards of directors and what their legal rights are; and observes the fiduciary obligations that protect corporations.

Professor **MOLLY BISHOP SHADEL** has also recorded installments for "Law School for Everyone."

At UVA Law, Geis teaches contracts, corporations, accounting and corporate finance. He also directs the John W. Glynn, Jr. Law & Business Program and is the faculty adviser for the J.D.-MBA dual-degree program. In 2018, his paper, "Traceable Shares and Corporate Law," was named one of the top 10 corporate and securities articles of 2018.

Geis is the William S. Potter Professor of Law and the Thomas F. Bergin Teaching Professor of Law. From 2012-17, he served as vice dean of the Law School.

—Eric Williamson

American Law Schools, she led the planning committee for the Deans Forum at the 2020 AALS Annual Meeting. The Deans Forum was a daylong event titled “Deaning in an Age of Rapid Change.” She also participated in “The Role of Universities and Law Schools in Constitutional Democracy” at the opening plenary session of the AALS Annual Meeting.



RACHEL HARMON is finishing her casebook, “The Law of the Police,” which will be published by Wolters Kluwer this fall. “The casebook is the first to present materials and analysis for law school classes on how the law regulates police interactions with the public,” Harmon said. “It lays out a conceptual structure for understanding the burgeoning scholarship and commentary on law and policing that goes far beyond criminal procedure.” The book can also serve as a resource for lawyers, judges, policymakers, journalists, scholars and activists who want an introduction to the law that guides police conduct.

Harmon also published the essay “Policing, Protesting, and Insignificance of Hostile Audiences,” about the mismatch between Supreme Court case law and the contemporary challenges of policing protests in “The Perilous Public Square: Structural Threats to Free Expression Today,” edited by David E. Pozen and to be published in June.

She spoke about law enforcement

accountability at the MFIA Access and Accountability conference at Yale Law School in October. In January, in Washington, D.C., Harmon participated in a full-day symposium on “21st Century Policing,” both speaking on the panel “Policing Theory and Practice” and moderating the panel “The Limits of Patrol,” at the AALS Annual Meeting.

As a founding board member of the Fountain Fund, a new nonprofit dedicated to providing microloans to ex-offenders, Harmon has been helping to provide capital and financial educations to individuals reentering communities and to develop research on how these tools can work to elevate individual lives after a period of incarceration.

Harmon continues to serve as an associate reporter on the American Law Institute’s Principles of Policing Project.



ANDREW HAYASHI presented his papers “Consumer Law Myopia” at Harvard Law School; “Bullion in the Sky,” co-authored with **RICHARD HYNES**, at Loyola Law School; and “Rules and Standards: The Games We Play” at the George Mason University Antonin Scalia Law School. His paper “Do Good Citizens Need Good Laws? The Economic Limits of the Expressive Function,” co-authored with **MICHAEL GILBERT**, was presented at a symposium in honor of Robert Cooter that was hosted by Berkeley Law School. He is working on the articles “The Law and Economics of

Animus,” “Paternalist Externalities,” “Counter-cyclical Tax Bases” and “Recessionary Property Taxes.”



DEBORAH HELLMAN was elected to the American Law Institute in December. In addition, she recently published an article and a book chapter: “The Epistemic Function of Fusing Equal Protection and Due Process” in the William & Mary Bill of Rights Journal and “Understanding Bribery” in “The Palgrave Handbook of Applied Ethics and the Criminal Law.” She has also been busy presenting new work. She presented a paper on the use of sex in predictive algorithms at the University of Toronto in November, Princeton University’s Center for Human Values in November, Fordham Law School in December and the Radcliffe Institute for Advanced Study at Harvard University in January. In addition, she presented an article, co-authored with Kate Nicholson, on “Opioid Prescribing and the Ethical Duty to Do No Harm,” at the 2020 Symposium of the American Journal of Law & Medicine, hosted by Boston University in January.



The Environmental and Regulatory Law Clinic, led by **CALE JAFFE ’01**, filed an amicus brief on behalf of the City of Staunton and Nelson County, Va., in the U.S. Supreme Court

in *United States Forest Service v. Cowpasture River Preservation Association, et al.* The case considers the impact of a proposed natural gas pipeline on the Appalachian Trail. The clinic is also working with the University’s Weldon Cooper Center for Public Service on an analysis of pathways to produce 100% of Virginia’s electricity from carbon-free sources by 2050, in response to an executive order from Gov. Ralph Northam establishing the 2050 target.

Outside of the clinic, Jaffe was a featured speaker at the William & Mary Environmental Law and Policy Review’s February symposium, where he delivered a talk on climate change policy. Jaffe also wrote an article, “The Shifting Political Winds of Environmental Federalism,” for the Environmental Law and Policy Review’s symposium issue. In March, Jaffe spoke at the U.S. Nuclear Regulatory Commission’s Annual Regulatory Information Conference, addressing the implications of the U.S. Supreme Court’s decision in *Virginia Uranium, Inc. v. Warren*, a case in which Jaffe and the clinic had filed an amicus brief in support of the prevailing respondents.



In the fall, **ALEX JOHNSON** was recognized as one of the “Seventy Amazing Alumni to Celebrate 70 Years” in *UCLA Law Magazine*. He was identified as one of five “Academic Leaders” who have made a mark in scholarship and leadership in the legal academy.



In January, **LESLIE KENDRICK ’06** presented on recent Supreme Court First Amendment cases at the Virginia Bar Association annual meeting in Williamsburg, Va. In February she presented new work at the University of Minnesota Law School. She is slated to speak about the First Amendment at the Seventh Circuit Bar Association conference in October.



DOUGLAS LAYCOCK recently filed two amicus briefs in the Supreme Court. In *Liu v. Securities and Exchange Commission*, he argued (contra the defendants) that disgorgement of the wrongdoer’s profits is “equitable relief” authorized by the Securities and Exchange Act, but (contra the SEC) that it is measured by each defendant’s net profits, not by joint and several liability for the gross receipts of the entire conspiracy. And in *Tanzin v. Tanvir*, he argued that “appropriate relief” under the Religious Freedom Restoration Act was modeled on U.S. Code § 1983, including damage suits against individual officers, subject to the qualified immunity rules.



In January, **MICHAEL LIVERMORE** moderated a panel at the Associa-

tion of American Law Schools annual meeting in Washington, D.C., that focused on the use of computational text analysis by legal scholars. The panel expanded on themes developed by Livermore and his frequent collaborator Daniel Rockmore, a professor of mathematics and computer science at Dartmouth College, in their co-edited volume “Law as Data: Text, Computation, & the Future of Legal Analysis,” which was published by the Santa Fe Institute Press last spring.

Livermore returned to Washington, D.C., at the end of the month for a daylong workshop to discuss his forthcoming book, “Reviving Rationality: Saving Cost-Benefit Analysis for the Sake of the Environment and Our Health,” co-authored with Richard L. Revesz of New York University. The workshop, which included prominent legal scholars and former government officials, focused on how to rebuild bipartisan consensus for the principled use of economic tools to evaluate public policy.

In February, Livermore visited Berkeley Law School to present research—with Rockmore and Keith Carlson, a computer science Ph.D. candidate at Dartmouth College—that examines data biases in the pool of published federal appellate court decisions. Later that month, he participated in a roundtable discussion on the future of law and artificial intelligence at the UCLA School of Law. In March, Livermore was at Michigan State University College of Law to present the results of a multiyear cross-disciplinary collaboration that uses computational tools to study the process of law search. That work will appear in the 2020 Michigan State Law

Review symposium issue on the theme of “Law, Language, and Technology.”



JULIA MAHONEY published “Restructuring United States Government Debt: Private Rights, Public Values, and the Constitution,” co-authored with **EDMUND KITCH**, in a special issue of the Michigan State Law Review devoted to the topic of “Distribution, Public Values, and Private Law.” In December she participated in the Chase Faculty Colloquium at the Center for the Constitution at Georgetown University Law School, as well as in a colloquium on “Liberty, Responsibility, and Intergenerational Justice” organized by the Liberty Fund. In March, she participated in a conference at Columbia Law School on Columbia law professor’s forthcoming book, “Purchasing Submission.” She will present her paper “Democracy, Markets, and the Third Sector” at the Inaugural Law and Political Economy Conference at Yale Law School in September.



RUTH MASON published “Company Size Matters” in the British Tax Review. The article argues that classifications based on company size—including the 750-million-euro turnover threshold in the controversial French digital tax—may violate EU laws that prohibit

EU states from discriminating against companies on the basis of their nationality. She also published “Identifying Illegal Subsidies” in the American University Law Review. The article is critical of the European Commission’s current methods of identifying government subsidies for purposes of enforcing the EU Treaty’s prohibition of “state aid,” which resulted in a \$13 billion penalty for Apple in 2015, and offers a new method of identifying tax subsidies that does not rely on normative net-income definitions. Mason contributes regularly to Tax Notes, including recent articles on the *Starbucks* and *Fiat* state aid cases and the *Steiner v. Utah* cert petition. In 2019, Forbes named Mason’s among its 100 must-follow tax Twitter accounts.



GREG MITCHELL recently participated in a symposium on “Corporate Crime 20 Years After the Creation of Justice Department Prosecution Policy” at Duke Law School. He was a speaker on two panels at the Annual Convention of the Association of American Law Schools held in Washington, D.C.; on one panel, Mitchell discussed the pros and cons of the use of citation studies in the ranking of law schools, and on the other panel, he provided advice on the use of empirical methods in legal scholarship. He participated in a panel on implicit bias research at the 23rd Annual Workshop on Employment Law for Federal Judges conducted by the New York University School of Law and the Federal Judicial Center in

March. Mitchell co-authored the article “Testing Compliance” with former colleague Brandon Garrett in the journal *Law & Contemporary Problems*, and “Maintaining Scholarly Integrity in the Age of Bibliometrics” with colleague **ANDREW HAYASHI** in the *Journal of Legal Education*. Mitchell published the article “Employee Surveys on Sensitive Topics” in *Compliance & Ethics Professional Magazine*.



JOHN MONAHAN recently co-authored a number of articles on the role of risk assessment in the law, including “Judging Risk” in the *California Law Review*, with former UVA Law professor Brandon Garrett; “Risk Assessment in Sentencing and Plea Bargaining: The Roles of Prosecutors and Defense Attorneys” with Garrett, Anne Metz of the University of Lynchburg and Alexander Jakubow, former UVA Law empirical research librarian, in *Behavioral Sciences and the Law*; “Impact of Risk Assessment on Judges’ Fairness in Sentencing Relatively Poor Defendants,” with Jennifer L. Skeem of the University of California, Berkeley, and Nicholas Scurich of the University of California, Irvine, in *Law and Human Behavior*; and “Evolving Public Views on the Likelihood of Violence from People with Mental Illness: Stigma and its Consequences,” with Bernice A. Pescosolido of Indiana University and Bianca Manago of Vanderbilt University, in *Health Affairs*. He has also

published “Lawyers at the Peak of their Careers: A 30-Year Longitudinal Study of Job and Life Satisfaction” with Jeffrey Swanson of Duke University in the *Journal of Empirical Legal Studies*.

The Pretrial Risk Management Project, which Monahan co-directed, has recently completed its work. The goal of the project, funded by the John D. and Catherine T. MacArthur

Foundation, was to foster dialogue among behavioral scientists, human rights lawyers and statisticians fluent in machine learning. The project published a critical issue brief, “Civil Rights and Pretrial Risk Assessment Instruments.” A new MacArthur Foundation project that Monahan co-directs focuses on conducting innovative empirical research on pretrial risk assessment. In addition, Monahan co-directs the Virginia Criminal Justice Policy Reform Project, funded by the Charles Koch Foundation. This project is concerned with reducing mass incarceration in Virginia, particularly of low-risk offenders and of people with mental illnesses.



This spring, **THOMAS NACHBAR** is teaching a new, joint class with UVA politics professor Phil Potter and engineering professor Jack Davidson called *Innovation in the Public Interest*. In the course, law students are placed on cross-functional teams with policy and engineering students, and each team is given a project nominated by



NACHBAR APPOINTED TO FCC ADVISORY SUBCOMMITTEE

Professor **THOMAS NACHBAR** was appointed to a Federal Communications Commission advisory subcommittee that’s helping make sure callers’ voices won’t get cut off in case of an emergency.

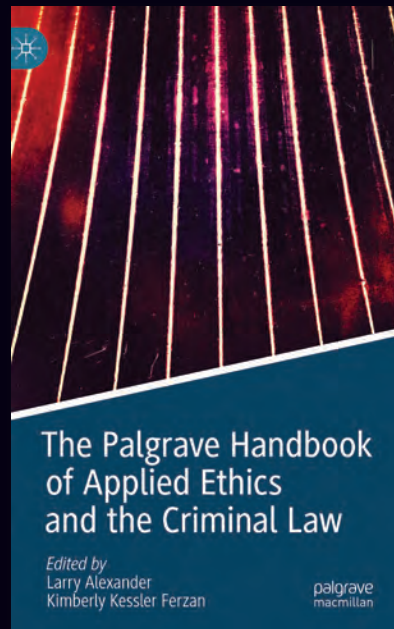
The Communications Security, Reliability and Interoperability Council provides the FCC with recommendations that promote the resiliency of the nation’s communications systems.

Nachbar serves as a member of the subcommittee that is looking at security vulnerabilities affecting Session Initiation Protocol, the signaling technology that makes possible the creating, modifying and terminating of electronic communications sessions. These sessions include internet telephone calls and other types of multimedia conferencing and distribution.

Because SIP is used to initiate voice sessions, it is also important for 911 service. The FCC has directed the council to develop best practices to address any vulnerabilities. Nachbar has both practiced and published in the field of telecommunications law. He authored, with Professor Emeritus **GLEN ROBINSON**, the casebook “Communications Regulation.” His research focuses on the nature of regulation: how the law is used (and by whom) to shape and control behavior.

He is also an expert in national security law, and serves as a judge advocate in the U.S. Army Reserve and as a senior fellow at the Center for National Security Law.

—Mike Fox



The Palgrave Handbook of Applied Ethics and the Criminal Law

EDITED BY **KIMBERLY KESSLER FERZAN** AND **LARRY ALEXANDER**
PALGRAVE MACMILLAN

The latest co-edited book by Professor Kimberly Kessler Ferzan examines contemporary issues in criminal law—on such topics as fraud, blackmail and revenge pornography—and their theoretical underpinnings.

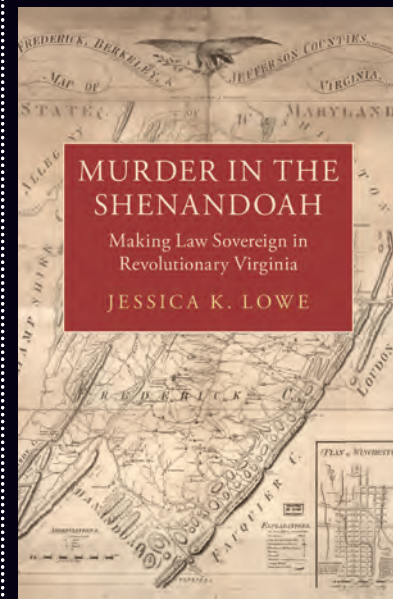
“The Palgrave Handbook of Applied Ethics and the Criminal Law” was published in December.

Ferzan, an expert in criminal law theory, said she and co-editor Larry Alexander, a University of San Diego law professor and her frequent collaborator, sought to do something a little different with the collection.

“Most handbooks are basically reference materials,” Ferzan said. “They are a leading light covering a topic within that scholar’s expertise. Our handbook departs from this model. We let our authors have free rein to offer their own views on the topic and not just a scholarly summary.”

Ferzan said the book features established scholars as well as up-and-coming stars in criminal law. The editors encouraged scholars to work outside their comfort zones.

Ferzan is the Harrison Robertson Professor of Law, and the Joel B. Piassick Research Professor of Law.



Murder in the Shenandoah: Making Law Sovereign in Revolutionary Virginia

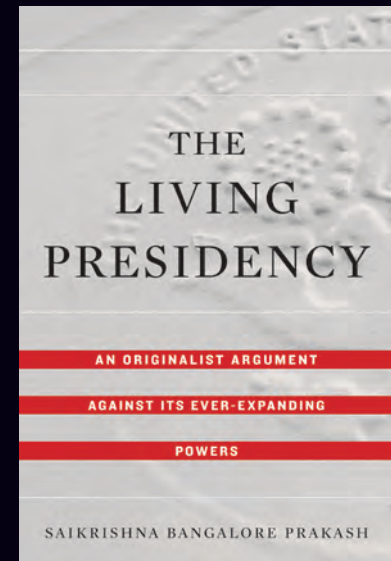
JESSICA LOWE
CAMBRIDGE UNIVERSITY PRESS

“Murder in the Shenandoah,” by legal historian and visiting scholar Jessica Lowe, explores a real-life murder mystery and what the case implies about Americans’ views of justice shortly after the nation’s founding.

John Crane, the accused in the murder case, was a 24-year-old landowner and son of a deputy sheriff in Berkeley County, Va. (located in the Shenandoah Valley, in what is West Virginia today). Crane’s property spanned 200 acres, yet it was modest compared to some of his family’s holdings. His wife was from one of Virginia’s oldest and most powerful families.

In studying the case, Lowe said, “We’re looking at the consequences of the American Revolution. What did the revolution mean for law, for people, for class?”

Lowe said her research was full of surprises. The cast of characters in Crane’s case would also include future Chief Justice John Marshall, future U.S. Attorney General Charles Lee, Gen. Daniel Morgan and many others. Lowe didn’t want to give away the ending, but the case challenges common preconceptions about justice and privilege, and the permissibility of violence in the South during the time period. It even involves an insanity defense.



The Living Presidency: An Originalist Argument Against Its Ever-Expanding Powers

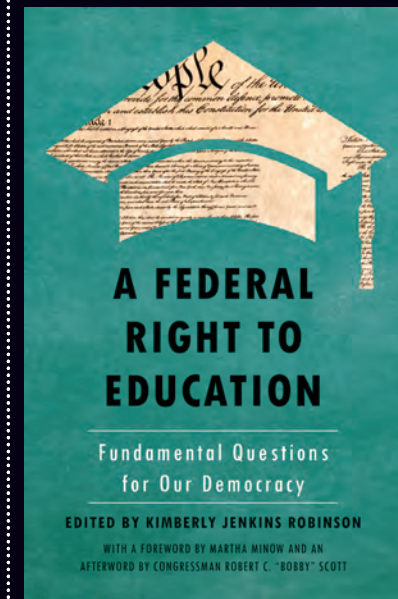
SAIKRISHNA PRAKASH
HARVARD UNIVERSITY PRESS, BELKNAP

In his new book, “The Living Presidency: An Originalist Argument Against Its Ever-Expanding Powers,” Professor Saikrishna Prakash explains why the executive branch’s power has swelled in recent decades, why he thinks that is a problem and how Congress might respond to defend its authority.

The book’s publisher heralds Prakash unique approach: “A constitutional originalist sounds the alarm over the presidency’s ever-expanding powers, ascribing them unexpectedly to the liberal embrace of a living Constitution.

“Liberal scholars and politicians routinely denounce the imperial presidency—a self-aggrandizing executive that has progressively sidelined Congress. Yet the same people invariably extol the virtues of a living Constitution, whose meaning adapts with the times. Saikrishna Bangalore Prakash argues that these stances are fundamentally incompatible. A Constitution prone to informal amendment systematically favors the executive and ensures that there are no enduring constraints on executive power. In this careful study, Prakash contends that an originalist interpretation of the Constitution can rein in the ‘living presidency’ legitimated by the living Constitution.”

Prakash is the James Monroe Distinguished Professor of Law, and the Paul G. Mahoney Research Professor of Law. For more about his book, see page 44.



A Federal Right to Education: Fundamental Questions for Our Democracy

EDITED BY **KIMBERLY JENKINS ROBINSON**
NYU PRESS

Professor Kimberly J. Robinson has edited a book that examines whether all children should be guaranteed a federal right to education.

“A Federal Right to Education” features contributions from constitutional law and education experts, including Linda Darling-Hammond, considered by many to be the top education scholar in the nation; Rachel Moran, former dean of UCLA School of Law; and Martha Minow, the former dean of Harvard Law School.

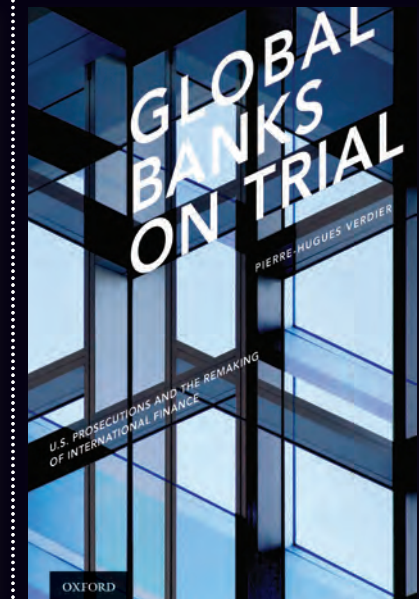
Robinson, who joined the UVA Law faculty this year, is also a nationally recognized expert on how federal and state law and policy can close educational opportunity gaps. Her focus includes civil rights and the federal government’s role in education.

The book explores arguments for—and some against—a federal right to education, potential pathways to federal recognition and what such a right might entail.

In Robinson’s view, federal intervention is a must because states have failed to address the educational opportunity gap for K-12 students.

“We set [children] up for failure, generation after generation,” she said.

Robinson is the Elizabeth D. and Richard A. Merrill Professor of Law, and a professor of education at the Curry School of Education.



Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance

PIERRE-HUGUES VERDIER
OXFORD UNIVERSITY PRESS

Professor Pierre-Hugues Verdier may soon help dispel a widely held belief: that big banks don’t pay when they run afoul of the law.

In “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” Verdier reviews the repercussions—which he says have been both substantial and largely beneficial to society—stemming from U.S. prosecutions and other enforcement actions aimed at foreign banks.

“The assumption by a lot of people, especially before the financial crisis, was the largest banks in the world were outside the purview of the U.S. criminal justice system,” said Verdier, an expert in international law and banking regulations.

Essentially, he said, the United States and other nations felt that as long as the banks weren’t acting as criminal organizations, they should largely be left alone.

“I think after the financial crisis that perspective changed,” he said. “Real questions were raised about the effectiveness of existing bank examinations and about the oversight and priorities of regulatory agencies. And I think that might have encouraged prosecutors to take a closer look.”

The book explores instances of benchmark manipulation, tax evasion and sanctions violations. Verdier is the John A. Ewald Jr. Research Professor of Law and director of the Graduate Studies Program.

—Eric Williamson



RILEY APPOINTED TO NEW NIH ADVISORY COMMITTEE

Professor **MARGARET FOSTER RILEY**, an expert in bioethics, has been appointed to a new National Institutes of Health advisory committee that's exploring biotechnological questions.

The Novel and Exceptional Technology and Research Advisory Committee provides recommendations to the NIH director and a public forum for the discussion of the scientific, safety and ethical issues in biotech. Riley co-chairs a working group charged with establishing a framework for the committee's study and reporting.

The NIH, a part of the U.S. Department of Health and Human Services, is the nation's medical research agency.

At the committee's first meeting in December, members were asked to focus on five technologies: gene editing techniques, gene drives, neurotechnology, artificial intelligence and synthetic biology.

"Many of these technologies are now within the grasp of individuals who have no academic, government, or major corporate affiliations," Riley said. "That raises the proverbial issue of 'two guys in a garage' who are largely not subject to any form of governance or supervision. So one of our tasks will be to consider governance issues.

"Another example: You've probably heard of the Canadian researchers who announced that they had synthesized the horsepox virus, a relative of smallpox, from genetic pieces ordered in the mail. That obviously has concerns for biosafety and national security."

Riley has written and presented extensively about health care law, biomedical research, genetics, reproductive technologies, stem cell research, animal biotechnology, health disparities and chronic disease. She is also director of the Law School's Animal Law Program.

She serves as chair of UVA's Embryonic Stem Cell Research Oversight Committee and as legal adviser to the Health Sciences Institutional Review Board, which is responsible for reviewing all human subject research at UVA involving medically invasive procedures.

—Mike Fox

sponsor agencies in the federal government. The students study problem-solving approaches used in the public sector to develop solutions to their sponsors' project and present those solutions to the sponsor at the end of the semester.

Nachbar's paper on how nascent changes in antitrust doctrine might affect antitrust suits against "big tech" firms was selected for the Yale Information Society Project conference this spring. Last summer he published the papers "Antitrust and the Politics of State Action" and "The Peculiar Case of State Network Neutrality Laws," along with "Heroes and Villains of Antitrust," a book review appearing in Antitrust Source. This April he was to host the third-annual meeting of the Stanton Meeting on Liberty and Security at the Law School.



DAN ORTIZ, as counsel of record and director of the Supreme Court Litigation Clinic, filed a cert petition in *Denby-Peterson v. NU2U Auto World*, which asks whether a creditor violates the Bankruptcy Code's automatic stay provision when it fails to return estate property to the debtor and thereby forces the debtor to seek a court order compelling the property's return under the Bankruptcy Code's turnover provision. He also filed a cert-stage reply in *Jackson National Life Insurance Co. v. Lindenberg*, which asks when a federal court should certify questions of state law to state supreme courts.

As co-counsel he helped in the preparation for oral argument

in the clinic's December case, *Georgia v. Public Resource.Org Inc.*, which asks whether works such as statutory annotations, which lack the force of law, are copyrightable. As co-counsel he also helped draft the clinic's cert petition and cert reply in *Hannah P. v. Maguire*, which asks whether an employment decision that is based on conduct caused by a qualified individual's disability is insulated from scrutiny under the federal disability discrimination statutes on the grounds that the decision is not made on the basis of disability. He similarly helped draft the clinic's cert petition and cert reply in *Phoenix v. Regions Bank*, which asks whether guarantors are protected from discrimination under the Equal Credit Opportunity Act. In February, he participated in the Stanford Law School event "The Supreme Court at Mid-Term."



SAIKRISHNA PRAKASH'S book, "The Living Presidency: An Originalist Argument Against its Ever-Expanding Powers" came out in April from the Belknap Division of Harvard University Press. Prakash also promoted the book in various fora. He participated in an American Enterprise Institute conference on the nondelegation doctrine. In the fall he was the inaugural speaker at the Rosenkranz Originalism Conference at Yale. He gave a response to Trevor Morrison's Jorde Symposium lecture at the University of California at Berkeley. Finally, he presented a paper on prosecuting the president at the Berkeley public law workshop.



KIMBERLY ROBINSON spoke on "The Future of Affirmative Action" at the American Association of Law Schools Annual Meeting in January. In October she was a guest lecturer on "School Funding and a Federal Right to Education" at Georgetown University's Economics Lab and on "A Federal Right to Education" at the University of Memphis Cecil C. Humphreys School of Law. She also was interviewed by Education Week. Robinson was selected to deliver the Thurgood Marshall Memorial Lecture at Roger Williams University School of Law.



In addition to other scholarship, **GEORGE RUTHERFREN** is preparing an article on the effects of the contested ratification of the Equal Rights Amendment and a review of Justice John Paul Stevens' memoirs, "The Making of a Justice: Reflections on My First 94 Years." He is also continuing to serve as counsel to prisoners seeking treatment for hepatitis C, currently as pro bono counsel at the request of the U.S. District Court for the Western District of Virginia.



FREDERICK SCHAUER'S "Stare Decisis: Rhet-

oric and Reality in the Supreme Court" was published in The Supreme Court Review. "One Small Step Towards a Metatheory of Evidence and Proof" was published in the International Journal of Evidence and Proof. "Friedrich Waismann, Language Strata, and the Problem of Technical Language" was published in "Friedrich Waismann: The Open Texture of Analytic Philosophy." "Positive Rights, Negative Rights, and the Right to Know" was published in "Troubling Transparency: The History and Future of Freedom of Information." Schauer was awarded a Doctor of Laws degree, honoris causa, by Wirtschaftsuniversität, Vienna. He delivered a lecture on "Freedom of Expression and the Harms of Remembering" at Université Lyon 3 Jean Moulin, in Lyon, France; delivered the keynote lecture at a Supreme Court of Mexico conference on precedent in Mexico City; delivered a lecture on "The Source and Sources of Law" in the Vienna Lectures on Legal Philosophy series at the University of Vienna; and spoke on "A 'Silly Leaflet by an Unknown Man,'" at a Columbia Law School conference marking the 100th anniversary of Oliver Wendell Holmes' free speech opinion in *Abrams v. United States*.



RICHARD SCHRAGGER co-hosted the State and Local Government Works-in-Progress Conference at UVA in September, which featured more than 35 state and local government law scholars from around the world. His webinar on "Confederate Statues and State

Preemption Statutes" was produced by the International Municipal Lawyers Association in October. It is available on the IMLA website. In November, Schragger presented the paper "Confederate Monuments and the Attack on American Cities" at the University of Kentucky College of Law. He was an invited participant in the Conference on the Theory and Pedagogy of Urban Law, held at LUISS Guido Carli, in Rome, also in November. Schragger's article "Federalism, Metropolitanism, and the Problem of States" was published by the Virginia Law Review in December. Another article, "Establishment Clause Inversion in the Bladensburg Cross Case," co-authored with **MICAH SCHWARTZMAN '05**, appeared in the 2018-19 American Constitution Society Supreme Court Review. His editorial, "It's Time for Home Rule in Virginia," appeared in the Richmond Times-Dispatch in December.



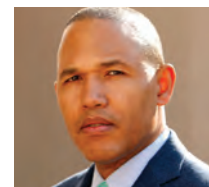
MICAH SCHWARTZMAN '05 spoke on "The Future of the Establishment Clause in the Roberts Court" at the National Lawyers Convention of the Federalist Society and on "Religious Rights and Antidiscrimination Laws" for the National Association of Attorneys Generals Capital Forum in Washington, D.C. He gave the paper "Stanley Fish—Why are You Still Picking on Liberalism?" for a conference on Professor Stanley Fish's new book at Cardozo Law School. As director of the Karsh Center for Law and Democracy, he hosted a group of legal scholars and journalists for a colloquium on "Illiberal Politics in

America" and moderated a panel on "The Religion Clauses and Religious Minorities." Schwartzman's recent publications include "Establishment Clause Appeasement" in The Supreme Court Review, co-authored with Cornell law professor Nelson Tebbe; "Establishment Clause Inversion and the Bladensburg Case" in the ACS Supreme Court Review, co-authored with **RICHARD SCHRAGGER**; and "The Unreasonableness of Catholic Integralism" in the University of San Diego Law Review, co-authored with **JOCELYN WILSON '21**.



In January, **BARBARA A. SPELLMAN** spent two weeks at UCLA co-teaching an intensive January term Negotiation course. While there, she spoke to undergraduates in the Bruin SynaptoGenesis Club about how their psychology and cognitive science majors could be useful as they planned future careers in law.

Spellman has been appointed to the Organization of Scientific Area Committees for Forensic Science, which is administered by the National Institute of Standards and Technology. She is the human factors representative to the Subcommittee on Crime Scene Analysis and Reconstruction.



A. BENJAMIN SPENCER has published several articles recently: "The Territorial Reach of Federal Courts" was



SCHAUER RECEIVES HONORARY DOCTORATE FROM WU VIENNA

Professor **FREDERICK SCHAUER** received an honorary doctorate from the Vienna University of Economics and Business Administration on Oct. 17.

The honorary doctorate is the highest academic award bestowed by Wirtschaftsuniversität Wien, or "WU," as the Austrian university is also known, reflecting exceptional academic achievement.

"Frederick Schauer is one of the most important legal theorists of our time," WU Rector Edeltraud Hanappi-Egger said at the ceremony marking the honor. "He was and still is a particularly committed mediator between legal worlds of continental European and U.S. legal tradition."

Schauer is a David and Mary Harrison Distinguished Professor of Law at UVA, and he is among the most prominent and recognizable names in the legal academy. His expertise in the philosophy of law, legal reasoning, constitutional law, jurisprudence and evidence has been demonstrated in hundreds of books, book chapters, articles, essays, classes and personal appearances.

Schauer presented the lecture "Second-Best Constitutionalism" at the WU ceremony. The lecture focused on "second order" constitutional rules "that sometimes conflict with even genuinely good policy ideas, but do so in the service of the deeper and longer term values embedded in constitutions," he noted after the speech. He prefaced his comments with remarks in German, some referencing his own Viennese family roots.

Schauer also participated in a related panel discussion that included Alexander Somek from the University of Vienna, Anna Bettina Kaiser from the Humboldt University in Berlin, and Christoph Grabenwarter, vice president (and acting president) of the Austrian Constitutional Court. Schauer's academic contributions were described in detail in a "laudatum" at the ceremony delivered by Professor Christoph Bezemek, dean of the Faculty of Law at the University of Graz.

—Mike Fox



SPELLMAN RECEIVES WOMEN IN COGNITIVE SCIENCE LEADERSHIP AWARD

BARBARA SPELLMAN, a professor of law and psychology, was named a recipient of the Women in Cognitive Science Leadership Award.

The award, sponsored by the Psychonomic Society and Women in Cognitive Science, recognizes initiatives that individuals have undertaken, beyond their own students and laboratories, to benefit women in cognitive science more broadly. Spellman was one of two women honored with the award in November at the Psychonomic Society Meeting in Montreal.

Spellman is co-author of “The Psychological Foundations of Evidence Law,” published in 2016. She edited a special issue of *Psychonomic Bulletin & Review* in 2010 on emerging trends in psychology and law research. From 2011-15, she served as editor-in-chief of *Perspectives on Psychological Science*.

Spellman considers her editorship with *Perspectives* her greatest contribution to not just women and cognitive science but to the field of psychology. She opened the portal to all submissions and confronted “the replication crisis”—the recognition that many findings across science could not be repeated and were likely the results of poor methodology.

Spellman earned a bachelor’s from Wesleyan University and a J.D. from the New York University School of Law. After practicing for a few years, she earned a Ph.D. in cognitive psychology from UCLA in 1993. Her psychology research focused on memory, analogical reasoning and causal reasoning. Now she writes about judicial reasoning, forensics and the replication crisis.

Spellman joined the faculty of the UVA Department of Psychology in 1997 and moved to the Law School in 2008. She teaches Evidence and various courses on the intersection of psychology and law, such as Behavioral Decision Making and Law, and the Psychology of Wrongful Convictions.

Women in Cognitive Science, founded in 2001 and originally affiliated with the Psychonomic Society, works to improve visibility of women in the profession, encourage young women to join the field, and provide professional training and development. The Psychonomic Society, formed nearly 60 years ago, is the preeminent society for the experimental study of cognition.

—Mike Fox

published in the *Florida Law Review*; “Out of the Quandary: Personal Jurisdiction Over Absent Class Member Claims Explained” was published in the *Review of Litigation*; and “Pleading Conditions of the Mind Under Rule 9(b): Repairing the Damage Wrought by *Iqbal*” was published in the *Cardozo Law Review*. Additionally, in his capacity as a reserve soldier in the U.S. Army JAG Corps, Spencer has been appointed to serve in the Army’s Government Appellate Division as an appellate attorney, briefing and arguing appeals before military appellate courts on behalf of the U.S. Army. In November, Spencer received the Army Commendation Medal for his military service.



In February, **PAUL STEPHAN '77** met at Santa Clara University Law School with fellow contributors to a book to be published by Oxford University Press called “Evolution or Revolution? Change in the International Legal Order.” He is contributing a chapter on anti-corruption regulation. In March, he participated in a symposium at St. Thomas Law School on “Sovereignty in a Fragmenting, Globalizing World.” In the fall, he is slated to participate in a workshop at the University of Miami Law School on a paper co-authored with **PIERRE-HUGUES VERDIER**, provisionally titled “An FCPA Approach to Human Rights.” Finally, from January through March he made several guest appearances in Delphine Nougayrede’s seminar at Columbia (involving both the Law School and the University of International and

Public Affairs), called Russia in the International Order. In January, at the request of the Department of Justice, he submitted to the U.S. District Court for the District of Columbia an expert opinion on Russian law pertaining to the validity of a subpoena with respect to people indicted for interference with the 2016 presidential election as a result of the Robert Mueller investigation.



In December, **GREGG STRAUSS** participated in a drafting session for the first uniform act for the Economic Rights of Unmarried Cohabitants. He is also writing a book about the moral foundations of parentage law. The latest chapter argues that genetic parentage cannot justify parental duties or rights; it can justify, at most, an initial priority to adopt parental roles with respect to infants.



PIERRE-HUGUES VERDIER’s new book, “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” was published earlier this year by Oxford University Press. In the fall he presented a chapter from the book at the International Law Association U.S. Branch’s annual conference at Fordham University Law School in New York City. He continues to work on a joint project on the reception of international law in national legal systems around the world with **MILA VERSTEEG**, and is

writing an article with **PAUL STEPHAN '77** on using the U.S. Foreign Corrupt Practices Act as a model for improving the accountability of multinational businesses for participation in human rights violations overseas.



G. EDWARD WHITE’S book, “Law in American History, Volume Three, 1930-2000,” has been the subject of two podcasts, UVA Law’s “Common Law” and a New Books Network show. **KENNETH S. ABRAHAM** and White published “First Amendment Imperialism and Tort Liability” in the *Texas Law Review*. White was scheduled to present a paper at a conference on the work of John Henry Schlegel at Buffalo Law School on April 25.



4 Making an Impact 70

Class Notes 75

Alumni Books 96

In Memoriam 98

The Last Word 100

RECENT
NATIONAL
GALLERY
OF ART
PRESIDENT
LOOKS
BACK—
AND UP

Painting the Town

Frederick Beinecke '72

JUST AS A PARENT MIGHT SAY HE COULD NOT PICK A FAVORITE CHILD, FREDERICK BEINECKE '72, WHO STEPPED DOWN IN 2019 AFTER FIVE YEARS AS PRESIDENT OF THE NATIONAL GALLERY OF ART IN WASHINGTON, D.C., HAS A HARD TIME CHOOSING HIS FAVORITE PAINTING AMONG THE GALLERY'S RENOWNED COLLECTION.

Give the trustee emeritus a minute, though, and he suggests that he has always been drawn to Édouard Manet's "The Old Musician." The painting hangs prominently on the main floor of the West building, and Beinecke always looks for it.

"Manet disrupted his art world with pictorial fantasies," he said, explaining his fascination. "In this large canvas you can be drawn with sensitivity to the old musician, as well as to the other people in the composition, but what are they doing there?"

Choosing an item in the National Gallery's collection that brings him pride in particular is a somewhat easier matter. Beinecke named Frederic Edwin Church's "Niagara" (1857), one of the most famous American landscapes ever painted. It was one of more than 8,000

items that the National Gallery acquired from the collection of the Corcoran Gallery, also in D.C., which closed its doors in 2014.

"It's just amazing," Beinecke said of "Niagara." "It would have been worth it if we had just received that one painting."

In fact, the National Gallery gained much more when the Corcoran closed, including paintings by Corot, Millet and Warhol, among many others. Under a court agreement, it was given first pick of the Corcoran's vast collection, with the remaining items distributed to other institutions in Washington. The National Gallery's acquisitions proved so extensive that curators decided to rehang the 19th-century American art collection in order to incorporate them into the galleries, Beinecke said.

The Corcoran artwork is hardly the only recent acquisition the National Gallery has

"IT'S JUST AMAZING," BEINECKE SAID OF "NIAGARA."
"IT WOULD HAVE BEEN WORTH IT IF WE HAD JUST RECEIVED THAT ONE PAINTING."



Frederick Beinecke stands in front of the Édouard Manet painting "The Old Musician" in September 2019.

made. In 2013, while Beinecke was a trustee, the gallery acquired "The Concert," a 1623 painting by Dutch painter Gerrit van Honthorst, after a curator was offered the painting; previously, it had resided undetected in a French chateau for nearly two centuries.

Although the National Gallery is operated by the federal government, all of its acquisitions are made with private donations. In consultation with the curatorial staff, the president and board of trustees officially approve every acquisition, loan and gift the gallery makes, as well as deciding which pieces require conservation. During Beinecke's time as president, he also saw completion of a massive renovation of the gallery's East Building, which included the creation of new exhibition galleries and upgrades to everything from its heating and cooling systems to the installation of Wi-Fi.

Not only does the National Gallery acquire and display art, it also loans pieces to other museums. During a recent trip to Paris, Beinecke noted pieces from the National Gallery's collection on loan to three different special exhibitions there. Each new president of the United States is also permitted to borrow art to hang in the White House. "During an inauguration, the gallery staff is removing the prior president's choices and hanging the new ones, so that by the time the new president gets to the other end of Pennsylvania Avenue, there's a different art collection up," Beinecke said. Cabinet secretaries, Supreme Court justices and certain foreign embassies also have borrowing privileges.

After graduating from Yale University with a degree in art history, Beinecke joined the Marine Corps and served in Vietnam as a lieutenant, receiving a Bronze Star, before

coming to UVA for law school. He has been managing director of Antaeus Enterprises Inc., a private investment company; president and director of The Sperry Fund; and vice president and director of the Prospect Hill Foundation, a philanthropy run by his family.

Beinecke's interest in art was rekindled in the 1990s, when he became a trustee of the Samuel H. Kress Foundation, which has donated hundreds of works of art to regional museums around the country. (He is also a former trustee of the Sterling & Francine Clark Art Institute in William-

stown, Massachusetts, and former director and president of the New York City Ballet.)

He recently came across another of his favorite paintings, El Greco's "St. Francis Venerating the Crucifix," at an exhibition in the Grand Palais in Paris. The painting was given by the Kress Foundation to the Fine Arts Museums of San Francisco in 1961 to honor the city named for St. Francis, and Beinecke said he has seen it many times there.

Whether at the National Gallery or at museums around the world, Beinecke recognizes the thrill that comes with encountering an iconic or beautiful work of art.

"Many people have told me it's so wonderful to go see these pictures," he said. "They say, 'I remember this one from a book or from a course I took in school.' And they're all there."

—Mark F. Bernstein '89



BILL PETROS

Bracing for Impacts

Alice Hill '83

MANY BOOKS HAVE BEEN WRITTEN ABOUT THE THREAT OF CLIMATE CHANGE. In "Building a Resilient Tomorrow: How to Prepare for the Coming Climate Disruption," Alice Hill '83 and co-author Leonardo Martinez-Diaz offer an approach that they believe is unique: a comprehensive survey of the effects of global warming that are already underway, along with detailed policy suggestions for what to do about them.

Hill is a senior fellow for climate change policy at the Council on Foreign Relations and formerly a fellow at the Hoover Institution. During the Obama administration, she worked as a senior counselor to Department of Homeland Security Secretary Janet Napolitano '83 (her UVA classmate and former moot court partner), and later moved to the National Security Council, where she helped develop policy for anticipating and

POLICY FELLOW'S NEW BOOK SUGGESTS WAYS TO ADAPT TO CLIMATE DILEMMA

responding to natural disasters, including climate change. Prior to that, Hill was an assistant U.S. attorney and a municipal and superior court judge in Los Angeles.

It was Hill's work in Washington, though, that inspired her book.

"I just realized, as I worked on the impact of climate change, that an enormous amount of risk is accumulating and most people aren't aware of it, but there are things we can do to have much better outcomes," she said. "Unless we have policymakers who understand what the risks are and what their choices are, we aren't going to make much progress."

The book addresses the threats that climate change poses on several fronts, including the law, the economy, national security, migration, public health and even building construction. Although it is not too late to mitigate the effects of a changing climate, Hill believes that many of the outcomes are already irreversible. That requires new ways of thinking about the problem.

"With climate change," she said, "the past is no longer a sound guide to what our future will involve."

One thing Hill tried to do in the book was present successful approaches taken by other countries, in the hope that American policymakers could learn from them.

After an extreme heat wave in 2003, for example, French officials developed a system for contacting the elderly and homebound to ensure that they are safe.

"Everybody's essentially faced with similar problems," Hill said. "They're being asked to reinvent the wheel, but there is some great work that has been done, so you could have a much better wheel if you can benefit from what they've learned along the way."

—Mark F. Bernstein '89



THE WASHINGTON POST

Her Road to Robes

Karla Smith '95

CAREER PATHS SOMETIMES TURN SUDDENLY, IN PLACES WHERE WE LEAST EXPECT. For Karla Smith '95, a judge on the Montgomery County (Maryland) Circuit Court, it happened on a long bus ride to Canada in 1994.

She was riding from her family home in Rockville, Maryland, to a family reunion in Toronto, where several of her ancestors had fled on the Underground Railroad. Her cousin, a prosecutor in Montgomery County, suggested that Smith intern in the state's attorney's office for her second-year summer. Intrigued, Smith decided to apply. "That's where I got the bug," she said.

After graduation, Smith started on the lowest rung of the prosecutorial ladder, working in the Montgomery County district court, which handles only small claims cases and criminal misdemeanors, earning \$12,000 a year and living at home. After 10 months, she jumped at a better-paying job in the state's attorney's office for Prince George's County and

INTEREST IN COURTROOM CAREER BEGAN WITH A FAMILY REUNION

after "a hot minute" there, Smith recalled, the head of the homicide division dropped two case files on her desk and asked her to take over.

That led to a long career as a prosecutor, moving from juvenile court to narcotics, and eventually into the sex offenses unit. Montgomery County State's Attorney Doug Gansler '89 brought Smith back home, where she served five years as chief of the Family Violence Division. Appointed first to the Montgomery County District Court by Gov. Martin O'Malley in 2012 (the first black female district court judge in county history), Smith was elevated to the circuit court in 2015 and then elected to a full 15-year term in 2016. Last year, the Maryland Daily Record named Smith one of Maryland's Top 100 Women.

Though she entered law school never imagining that she would be a prosecutor, much less a judge, one searing early experience still influences Smith today. Jody Kraus, her first-year Contracts professor, called on her every day during the first week of classes.

"I thought I was going to pass out," Smith recalled. "But when I reflect on it, that art of learning to think on your feet really turned out to be a valuable resource for me in

the courtroom. You learn how to think and respond quickly and make cogent arguments."

With extensive experience now on both sides of the bench, Smith said she has gained a unique perspective along with a certain dose of humility.

"When you are a litigator and things are getting heated," she said, "there is a tendency to think, 'How could the judge possibly have ruled that way?' But now, being the judge, it's very different. You weigh a lot of factors. And things are often not as cut and dried as you once thought they were."

—Mark F. Bernstein '89



COURTESY KASSIA MILLER

In a **'Good Place'**

Kassia Miller '06

FOR THE LAST TWO SEASONS, KASSIA MILLER '06 WAS A WRITER AND CO-PRODUCER OF THE HIT NBC SHOW "THE GOOD PLACE," WHICH FANS BID FAREWELL TO IN JANUARY. Both broad and intellectual, the surreal comedy starring Kristen Bell and Ted Danson also served as a meditation on what it means to be a good person.

"It's just heartwarming that people are into a show that's about something meaningful," Miller said prior to the airing of the show's final episode.

Miller received the "written by" credit on the episodes "A Girl from Arizona" (parts 1 and 2) and "A Fractured Inheritance." Yet television writing is very much a collaborative effort, she said, with writers often one-upping each other's jokes and working together to brainstorm storylines and plot turns.

Working on a show with philosophical underpinnings added a whole other layer. "I love all comedy, and I certainly have a blast writing on shows where the better fart joke wins, you know," Miller said. "But when we were writing 'The Good Place' we had

**LAW GRAD-
TURNED-TV-WRITER
WORKED
ON HIT SHOW**

actual philosophy professors come in to talk to us, and activists, and I was taking notes on a legal pad like I was back in school again. We really tried to address all the philosophical questions and moral stuff from an honest and genuine place."

Miller, a Northern Virginia native who also has degrees in English and French from Duke University, got the itch for comedy, at least in part, while at UVA. She wrote sketches for the Libel Show.

"I always loved writing and being creative, but I never thought that would be a career for me," she said. "I mostly applied to law school because, I thought, 'This will delay the choice I have to make about what to do with my life.' I think it was fated I happened to pick the one law school that was going into its 99th year of a sketch show. It quickly became, 'Oh, this is the thing I'm going to put my effort into.'"

After she graduated, Miller became a securities law attorney with Aiken Gump Strauss Hauer & Feld in New York. She also began taking writing and improv

classes at the Upright Citizens Brigade on Sunday afternoons—the least likely time on the weekend that the firm might call her

into the office. She saved up, quit her job and was a featured (yet unpaid) player in the improv troupe for several years.

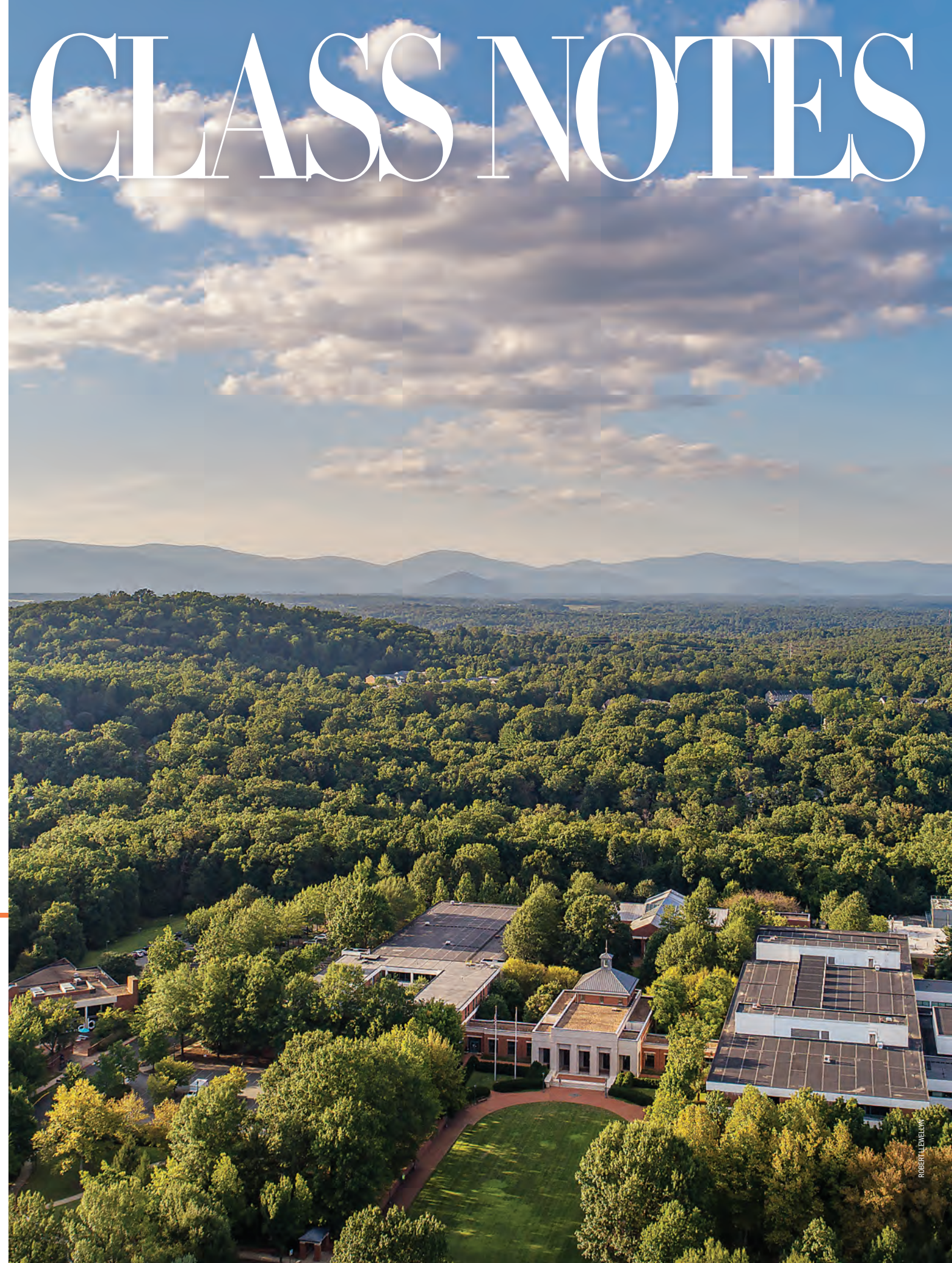
Her big break came with an NBC contest to discover new talent via a pilot-writing competition. Miller submitted a script about a woman in crisis who invents an imaginary friend.

While "Imaginary Friend" didn't live on past the pilot, her career took off.

Miller recently sold another pilot to NBC. This one is about adult sisters who are forced to reconnect after one of them has just weathered a national scandal.

—Eric Williamson

CLASS NOTES



ROBERTA L. SHELTON

1940

HUGH STOCKDELL MEREDITH died June 30, in Savannah, Ga., at 102. Meredith joined Vandeventer & Black in Norfolk, Va., after graduating from the Law School and before volunteering for service in the U.S. Navy in 1941. He served aboard minesweepers in the Atlantic and South Pacific oceans during World War II—including having command of the USS Lucid in 1945. He returned to the law firm after the war and became a partner in 1949, after which the firm's name changed to Vandeventer, Black & Meredith. He was married to Gwendolyn Maclin Simmons Meredith for 68 years until her death in 2017.

During Meredith's legal career of nearly 50 years, he was regarded as one of the leading admiralty attorneys. Besides being prominent in his profession, he was active in his lifelong membership with Galilee Episcopal Church as vestry and involved with the Episcopal Diocese of Southern Virginia, St. Paul's College and the Virginia Theological Seminary.

1949

STANLEY SCHOENBAUM writes that he retired from practice in 2014. His career started in 1950, after he was one of the first graduates of the master's program in taxation at New York University School of Law. Following his service with the Office of the Chief Counsel of the Internal Revenue Service as a trial attorney in Atlanta, and then as a special attorney in the Legislation and Regulations Division of the IRS in Washington,

D.C., Schoenbaum moved to San Antonio in 1958 to begin private practice, specializing in tax matters. He was one of the original founders of Schoenbaum, Curphy & Scanlan, which launched in 1974.

1951

JACK P. JEFFERIES was selected to receive the Albert Nelson Marquis Lifetime Achievement Award by Marquis Who's Who.

1958

CLASS UPDATES

BY **TED TORRANCE**
CLASS SECRETARY

Your scribe apologizes for having had an issue or two of UVA Lawyer published sans any notes from the Class of 1958. By way of reason, if not excuse, a bout in the hospital coupled with my increasing penchant for procrastination resulted in the news void.

There follows a summary of the information provided to me by classmates via a variety of media. Some of it may be a bit outdated, but it is hoped that, all in all, the tidbits of news will make for entertaining reading.

.....
STUART BRUNET reports that he and Helen are still happily ensconced in their townhouse in Mendham, N.J., with both frequent bridge games and noncredit courses at nearby Drew University filling their time. On the side, they are overseeing the repopulation of the country with the birth of their first great-grandchild this past December.

.....
BILL BUNTING called to report that he is as super-busy as ever dealing with the care and maintenance of a large home in Princeton, N.J. Bill received **LARRY GRIM**'s vote (see

material relating to Larry's report on the 60th reunion) "as happiest among the very happy crew we all are" due to a stunning bride from Canada, a judgeship and, apparently, a boatload of clients.

.....
BOB DORSEY recites the "wonderful experience" that Charlottesville and Southwest Virginia were for him. He notes that after graduation from the Law School he clerked at the Ninth Circuit in San Francisco, and thereafter practiced in California, New York and Nevada. Bob is presently retired but active, still driving, attending church "and doing the things I wish to do." And he has greatly assisted the economy: "I have had five children, four step-children, two granddaughters and three step-grandchildren."

.....
BILL EDWARDS, practicing in Corpus Christi, must take the yet-to-be-awarded Class of 1958 prize for recognition by one's peers. In July, Bill was awarded the President's Award of Merit by the Texas State Bar "for his 60 years of leadership in law and legal ethics," and was the only recipient of the award last year. In an accompanying email, Bill notes that he is still maintaining a full trial docket.

.....
MARTIN FLANAGAN reports on his narrow escape last fall from Category 5 Hurricane Dorian, the one that decimated much of the Bahamas. By his account, Martin "has retired three times: first from my law firm of 35 years—second from my son's law firm after 21 years—and finally, retired from the Florida bar." After recounting his travel-barring infirmities, Martin closes with: "It's hell to get old!!! I would rather be practicing law than be retired! But so be it. My memories

make me smile."

So say many of us, I am sure.

.....
So now we come to the irrepressible **LARRY GRIM**. I hope to see Larry before long, as he is now living in what sounds like lovely quarters in Naples, Fla.

Larry attended, and took the time to chronicle, the events of our 60th reunion. It is a marvelous write-up and well worth reading, even after the passage of so much time after the reunion. In it are squibs and vignettes involving many of our classmates, including **DOUG MACKALL**, **TOM OTIS**, **JOHN MERCHANT**, **FRED LANDESS**, **FRED GOLDSTEIN**, **BILL BUNTING**, **TERRY DAVIS** and **BEN PHIPPS**. I urge any classmate who would like a copy of Larry's opus to simply email me and I will send it off to you.

.....
BILL GRIESAR reminisces about how fortunate we all were to attend the Law School. He recalls in particular the teaching style of **HARRY CROSS DILLARD '27**, and how he had "an unusually sophisticated way of making a point." Bill goes on: "And then, of course, there was **MORTIMER CAPLIN '40**, who I was convinced would live forever—and he almost did." Bill recites his current extracurricular activities as being "our cottage in Maine in the summer," books and movies, and his new hobby of oil painting: "I'm certainly an amateur, but the effort and concentration are a joy at my age."

.....
The Kentucky race-tracks count their blessings, as **STUART "BLUE" JAY** says he has given up golf (probably inspiring some greenskeepers to count their blessings as well) and attends the local track three times a week. Blue's "last known work" was as a domestic relations judge in three rural counties near Louis-

ville. He is still happily married to Paula and enjoys their children living nearby.

.....
MICHAEL KAPLAN has taken on the headache of serving on his co-op board in New York City, and he and his wife, Harriet, have endowed a professorship at the University of Vermont Medical School, in honor of Harriet's father: examples of generosity in two disparate forms.

.....

EDITOR'S NOTE:

JOHN MERCHANT died March 5.
See story on p. 78.

JOHN MERCHANT never fails to send along thoughtful, and thought-provoking, comments. He recites the enjoyment he derived from attending our 60th reunion, noting that it enabled him to connect with classmates he "did not get to know well, or at all, during our years [at the Law School] for several good reasons," e.g., study obligations, and "some not-so-good reasons as well ... I believe you understand." Note to John: I believe that by now we all understand; would that we could relive those years.

John pays particular homage to his parents who, notwithstanding their having been limited to sixth grade educations, "in 1958 proudly observed their son accept a piece of paper, called a diploma, evidencing the validity of their faith" in John.

John proudly notes that his daughter, **SUSAN BETH MERCHANT '94**, recently attended her 25th reunion at the Law School; she is the first black "legacy" student to attend the Law School.

.....
God bless **BRAD MILLER**. Notwithstanding obvious physical infirmities that make his handwriting most difficult to decipher, he



IN MEMORIAM: JOHN KIRBY '66, SUPER LAWYER FOR NINTENDO

JOHN J. KIRBY JR. '66, a longtime lawyer for Nintendo who worked at the Justice Department during a key moment in the civil rights era, died Oct. 2 of cancer. He was 79.

The Falls Church, Va., native served as chairman of the law firm Mudge Rose Guthrie, Alexandear & Fernsdon before joining the international law firm Latham & Watkins in 1995 to chair its New York litigation department.

In 1984, Kirby won a lawsuit for Nintendo against Universal City Studios, in which the studio alleged that the arcade game Donkey Kong infringed on the "King Kong" copyright. Both federal district and appeals courts ruled that "King Kong" was already in the public domain and any consumer confusion between the movie and the game would be inconsequential.

Donkey Kong launched Nintendo's Mario franchise, the most successful in video game history.

Nintendo's lead designer, Shigeru Miyamoto, creator of Super Mario Bros. and Legend of Zelda, named a new video game character debuting in 1992 in part for Kirby.

"As we were going through the list and narrowing down the selections we saw that Kirby was there and we thought 'John Kirby's name is Kirby,' and started thinking that if those two had a connection that would be kind of funny," Miyamoto said in a 2011 interview with Game Informer.

The company also thanked their lawyer with a sailboat christened Donkey Kong.

In 1992, Kirby was part of a Nintendo legal team that successfully sued rival Atari for copyright infringement. He also successfully defended AOL and Nintendo in two separate patent infringement lawsuits against a now-defunct computer company and General Electric, respectively.

He retired from Latham & Watkins in 2007 as head of the New York office's intellectual property and technology practice group.

Before he attended law school, as a summer intern at the U.S. Department of Justice, Kirby gathered voting records throughout the South that demonstrated evidence of widespread discrimination against African Americans, which helped spur passage of the Voting Rights Act of 1965. He worked as special assistant to John Doar, head of the DOJ's Civil Rights Division. According to his obituary, Kirby personally escorted black children into segregated schools, surrounded by federal marshals.

At UVA Law, Kirby served as an editor with the Virginia Law Review and was a member of the Raven Society. The Rhodes Scholar received bachelor's degrees from Fordham University in 1961 and Oxford University in 1964, and a master's from Merton College at Oxford in 1967.

After law school, Kirby worked as an assistant professor at UVA Law for one year, and argued before the U.S. Supreme Court in 1968 in a case connected to a Law School seminar in appellate litigation.

He was later appointed deputy director to the President's Commission on Campus Unrest, which concluded that the National Guard shooting at Kent State University in 1970 was unjustified.

Kirby served on the board of directors of The Legal Aid Society of New York and the Fund for Modern Courts. He spent 15 years on the board of Georgetown University, including as vice chairman, and served as president of the Merton College Charitable Corp. He also served on the board of Fordham University.

Kirby is survived by his wife of 15 years, Susan Cullman, and two sons and two daughters.

—Mike Fox

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, 2020
for inclusion in
the next issue.

IN MEMORIAM: JOHN MERCHANT '58, UVA LAW'S FIRST BLACK GRADUATE, WAS ADVOCATE FOR DIVERSITY IN GOLF

MERCHANT REPPED YOUNG TIGER WOODS, SUPPORTED NEXT GENERATION

JOHN MERCHANT '58, the first black graduate of the Law School and the first person of color to join the executive committee of the U.S. Golf Association, died March 5 after an extended illness. He was 87.

Merchant's life was one dedicated to opening doors for others.

"My father was very passionate about his family, civil rights and golf," his daughter, **SUSAN MERCHANT '94**, said.

During his service to the USGA, from 1992-95, Merchant created development opportunities for aspiring minority golfers in the traditionally all-white sport. He also separately represented a young Tiger Woods as he transitioned from amateur to professional status.

Merchant retired as partner of the law firm Merchant and Rosenblum in Stamford, Conn., in the mid-1990s, thereafter continuing in solo private practice. He practiced both civil and criminal law for a total of about five decades.

"There were things he believed in very strongly, and I think that translated into this career as an attorney, and as a criminal defense lawyer," Susan Merchant said. "He had an excellent reputation as a skilled trial lawyer, and he used that to help people."

While in practice, he also helped encourage the next generation of UVA graduates with the creation of the Walter N. Ridley Scholarship Fund in 1987. Named after the first black graduate of the UVA student body, the fund continues to this day.

Merchant was a self-taught golfer, having picked up the game after law school as a communications officer in the Navy. He found he had natural talent.

"I borrowed some clubs and shot 105, my very first time," he told the Connecticut Post—one of several interviews he gave the newspaper over time.

He reportedly enhanced his skills based on an instructional book by golf legend Ben Hogan.

Merchant entered legal practice in 1962, forming a law firm with future Connecticut Superior Court Judges L. Scott Melville

and E. Eugene Spear, after firms in his native Greenwich rejected him, presumably based on his race.

He continued to play golf at Connecticut courses, and was a two-time club champion. However, he was denied the opportunity to play in a number of tournaments.

"You couldn't get a certified handicap to play in any of the sanctioned events because you had to be a part of the men's association and they wouldn't let blacks join the men's association," he told the Post.

One tournament that he participated in, as part of a twosome, denied him a winning golf jacket, and instead offered him pro shop merchandise to compensate, he told a reporter.

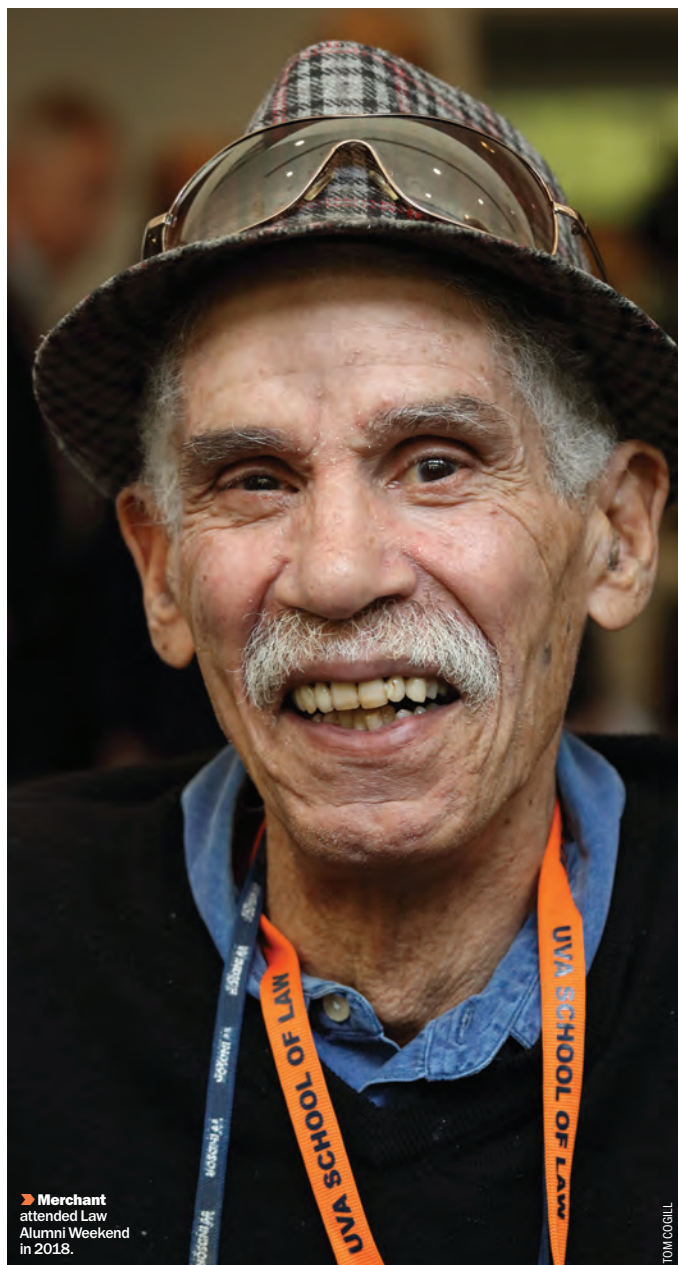
By the 1990s, the USGA was coming under increased fire for its associations with clubs that maintained exclusionary policies. An attorney friend of Merchant's floated his name for consideration to the executive committee. Merchant was serving as consumer counsel for the state of Connecticut at the time of his selection, in 1992.

"You should know I care about the game," The Baltimore Sun reported Merchant telling his fellows upon induction. "There is not enough time to repay all I have gotten from the game. Benefits and values are wrapped up in relationships generated by participation. Among these things are friendships."

Merchant made sure the new calls for inclusion in golf weren't just lip service. He coordinated four symposiums, sponsored by sporting goods giants such as Nike and Titleist, for minority golfers to learn from, and communicate with, the pros.

In addition, his work appears to have helped inspire the First Tee Program, which encourages minority children's interest in the game. **TIM FINCHEM '73** orchestrated the program early in his term as the PGA Tour's commissioner of golf, from 1994 to 2016.

Merchant also became the legal representative for Tiger Woods, then in his late teens, and executive director of the National Minority Golf Foundation during the 1990s.



Merchant attended Law Alumni Weekend in 2018.

TOM COGILL



Merchant is pictured with fellow officers of the Barrister, the Law School's yearbook, in 1958.

BARRISTER/UVA LAW SPECIAL COLLECTIONS

"My father always expressed to me that it was very important to him that Tiger be looked after," Susan Merchant said. "He was going to be the first minority golfer of any real status, and my father knew he was going to need some people around him whom he could really trust."

Having met Woods' father at a USGA event, John Merchant's advocacy led to Woods' association with International Management Group and other connections that would undergird what would become the most lucrative career in the game. Merchant represented Woods, reportedly free of charge, before the golfer turned pro.

But Woods soon opted for new representation—a move that Merchant appeared to take in stride, at least in public comments.

Before joining the USGA committee, Merchant served on the U.S. Mid-Amateur's committee and chaired both the U.S. Senior Open in 1987 and the U.S. Women's Open in 1979.

In March 2010, he was inducted into the National Black Golf Hall of Fame for his contributions to the sport.

Merchant wrote about his life, detailing his time in the golf world and at UVA, for his book "A Journey Worth Taking: An Unpredictable Adventure."

His enrollment at UVA Law began a year after the 1954 decision in *Brown v. Board of Education*, and following the integration of UVA by law student Gregory Swanson in 1950. Between the demands of studying and the race-related social conflicts of the time period, it wasn't easy to get to know his fellow UVA students.

"He had to be a lot about self-preservation, as anyone in that situation would be," Susan Merchant said. "There certainly weren't a lot of people beating down his door trying to get into his study group."

Nevertheless, Merchant attended his 50th and 60th UVA Law reunions, where he caught up with some classmates and got acquainted with others.

He also was the keynote speaker at his daughter's Law School commencement in 1994. He took great pride in her being the first black "legacy" graduate of the Law School.

"If you had tried to tell him when he was there as a student that one day he would be standing in front of that crowd as the commencement speaker, as the keynote, he would've told you that you were crazy," Susan Merchant said. "If you had tried to tell him that the guy who was No. 1 in his class would call him to make sure he came back for their 50th reunion, he wouldn't have believed you."

Merchant earned his bachelor's degree from Virginia Union University in 1955, and received an honorary doctorate in laws from the university in 1998.

His daughter said lesser-known components of his life were equally important to his identity. He served as a liaison for the black community in the greater Bridgeport and greater Stamford areas of Connecticut in the 1960s and '70s, including with the anti-poverty group Action for Bridgeport Community Development Inc. He also taught at Fairfield University and Sacred Heart University, both in Connecticut.

Merchant was the middle of three children. He is survived by Susan, a senior financial crime compliance officer in the banking industry, and his only child; his older sister Barbara Mitchell, and her children Dawn, Karen, Robin and Kip; his nephew, Todd Neal, son of his late sister Elizabeth Neal; and Tabitha Carter, his niece whom he considered a second child, and her son, Tyler, whom he considered his grandson.

The family planned a service for March 14 but hopes to have another remembrance ceremony in June for those unable to make it. In lieu of flowers, Susan Merchant asks that friends and family contribute to the Essie L. Merchant Fund, which is part of the Ridley Scholarships at the UVA Alumni Association.

—Eric Williamson



IN MEMORIAM: GERALD BALILES '67 VIRGINIA GOVERNOR CHAMPIONED PUBLIC SERVICE

Former Virginia Gov. **GERALD BALILES '67**, who later became director of UVA's Miller Center, died of cancer in Charlottesville on Oct. 29. He was 79.

The Stuart, Va., native served in the House of Delegates from 1976 to 1982 until he was elected attorney general alongside Gov. **CHARLES S. ROBB '73**. Baliles resigned to run for governor and won, serving from 1986 to 1990 alongside Attorney General **MARY SUE TERRY '73**, the first woman to hold statewide office in Virginia.

Baliles' term featured a particular focus on education, culminating in a historic National Summit on Education, held at UVA in 1989. The event featured President George H.W. Bush and then-Arkansas Gov. Bill Clinton.

Baliles, as governor, made notable strides for the state in transportation, economic competitiveness and environmental protection. He also appointed the first woman to serve on the Supreme Court of Virginia, **ELIZABETH B. LACY LL.M. '92**.

"Governor Baliles modernized our roads, pushed environmental policies that understood economic growth and conservation go hand-in-hand, and led unprecedented international missions that laid the groundwork for Virginia to become the global trade hub it is today," U.S. Sen. Tim Kaine, a former Virginia governor, said in a statement. "Given the decades of Virginia prosperity these initiatives have enabled, it would not be hyperbole to say Jerry was one of the commonwealth's most accomplished governors of

the 20th century."

After his term ended, Baliles went into private practice at Hunton & Williams (now Hunton Andrews Kurth) and also was appointed by President Clinton as co-chair of the National Commission to Ensure a Strong Competitive Airline Industry. Baliles published the book "Preserving the Chesapeake Bay" in 1995.

Baliles led the Miller Center—a nonprofit affiliate of the University, dedicated to presidential scholarship, public policy and political history—from 2006 to 2014. In this role, he oversaw a series of commissions on competitiveness, entrepreneurialism, health policy and higher education, as well as the center's Oral History Program on presidents and politicians.

In 2018, the Miller Center established the Gerald L. Baliles Professorship in Presidential Studies to honor the governor's service and dedication to the organization and to promote nonpartisan and pragmatic study of the institution of the presidency. "Jerry brought wisdom and integrity to everything he did," Miller Center Director Bill Antholis said. "His record of service to the commonwealth and the nation is extraordinary. His commitment to the University and the Miller Center set the standard that we all strive to maintain."

Baliles attended Fishburne Military Academy in Waynesboro, Va., and earned a bachelor's in government from Wesleyan University in 1963.

—Mike Fox and Natalie Russell

went to the pain of sending along a handwritten note wishing me well, for which I remain most appreciative. The efforts of his son to get Brad to move to Dallas, as reported in an earlier edition of this column, apparently have not borne fruit, as Brad's return address is still Tampa, Fla.

.....

FRANK NORTON reports from Sarasota, Fla., that for a good number of years he has been retired as president and then chairman of the boards of two insurance companies in West Virginia. He complains, albeit mildly, of various "small problems of health," which may require him (at age 89) to give up golf.

.....

BILL O'CONNOR and his wife, Allie, by now have presumably completed their downsizing move from Newport News, Va., to Tampa, Fla., planned for last fall. Bill says he has kept a local shredding company in business, disposing of a lifetime of accumulated files. All in all, Bill comments, "Life is good."

.....

BOB SMITH asks us to keep an eye out for "West's Tax Law Dictionary," the 28th edition of which was due to be published in February, with Bob and his niece serving as co-authors.

.....

HENRY WILLIAMS sent along the Williams family annual Christmas newsletter, from which one may readily infer that sailing on Lake Ontario occupies a large portion of Henry's leisure time. What time is left over is devoted in no small way to Henry's 17 grandchildren and one great-grandchild. Clearly an active family in all aspects.

.....

A very pleasant telephone chat with **SWAN YERGER** yielded the following (assuming my telephone notes are accurate): Swan and his

wife relatively recently finished building a home in Fairhope, Ala., across the bay from Mobile and near the Gulf of Mexico. That project, and his family, occupy Swan's spare time, now that he has retired as a Mississippi circuit court judge.

.....

As for your scribe: I have experienced kind of a roller coaster of health issues over the past several years, probably not atypical of our age group. But at the moment everything seems to be under control, and even golf, as clunky as the game has become for me, is once again a part of my life. Who could complain? My wife of going on 60 years, Connie, and I have (sensibly) moved from a rather large, multi-staired home here in Vero Beach to a condominium on the Atlantic Ocean. Needless to say, the welcome mat is out for any 1958-ers wishing to renew an auld acquaintance.

.....

As always, I invite class members to send along any information about themselves they might like to share with others, and I will see to its inclusion in the next available issue of UVA Lawyer. Warm regards to all. Ted

.....

*Aetor1955@gmail.com (772) 234-6765
1250 W. Southwinds Blvd., #214
Vero Beach, FL 32963*

1960

PHILIP V. MOYLES was selected to receive the Simon Bruté Medal this year. The medal, the highest award given by Mount St. Mary's University, is bestowed on alumni who have distinguished themselves through their careers, commitment to their communities and the Mount, and service to

their fellow citizens. Moyles was inducted into the school's Alumni Hall of Fame in 2014.

1964

ROBERT D. CHAPIN retired to an Episcopal continuing care retirement community, Deerfield, in Asheville, N.C. Chapin spent the first six years of his career in Cleveland, and the following 48 in his adopted hometown of Delray Beach, Fla. He welcomes visits from classmates visiting Asheville.

DAVID O. WHITTEMORE

formally retired after 55 years of practicing law. He writes that he "enjoyed those years. And, now it's nice to read the [Law School's] magazine and note the amazing number of UVA Law graduates serving as clerks!"

1965

RICHARD GLASSER died March 14, 2019. He was 77. Glasser was a pioneer in the field of asbestos litigation and dedicated 43 years of his career to representing victims of asbestos disease. When he died, he was the senior partner in Glasser and Glasser, based in Norfolk, Va., where he practiced with his family and colleagues for 54 years and obtained a national reputation in the field of products liability litigation.

Throughout his life, Glasser was a beloved and highly respected member of the bar and served as president of the Tidewater Chapter of the Federal Bar Association and the Virginia Trial Lawyers Foundation. The Virginia Trial Lawyers Association honored him with its

Courageous Advocacy Award for prevailing against huge odds to win numerous verdicts and settlements for his clients in spite of formidable opposing counsel and law that was initially adverse to litigants afflicted by a disease with a long latency period between exposure to asbestos and the onset of illness.

Glasser also earned his undergraduate degree from UVA in economics, completing it in three years. He was a member of Phi Beta Kappa.

An active and generous alumnus of the Law School, he was involved in numerous charitable organizations in the Hampton Roads region.

"Literally thousands of people benefited from his professional and charitable endeavors, all with Richard's warm personal engagement and kind demeanor," the family writes. They add, "Richard's mantra in life was 'Do the right thing, the right way, for the right reason.'"

Glasser, who will also be remembered for the love he had for his close-knit family, is survived by his wife, Martha; his daughter and her husband; four grandchildren; two brothers; and one sister.

H. ANTHONY MEDLEY'S book, "Learn to Play Bridge Like A Boss," was published in September. Medley holds the rank of Silver Life Master, is an American Contract Bridge League club director, and has won regional and sectional titles.

1966

JOHN C. RASMUS was elected founding president of the John Knox Village Satellite Rotary Club.

1967

WILLIAM DONALD KNIGHT JR. died Sept. 24. He was 78. Knight was a founder of the international law practice of King and Spalding, the Atlanta-based law firm, and longtime head of the firm's international practice group.

Knight grew up in Tutwiler, a small village in the Mississippi Delta surrounded by cotton fields. He was "devoted to and deeply loved Jane Hall Harmon Knight, his life companion, best friend and wife for 56 years." She survives him, as do his daughters and family members.

Knight authored "Structuring Foreign Investment in U.S. Real Estate," which is widely considered the leading treatise on the subject. He published numerous articles in U.S. and foreign legal journals on the subjects of international law and taxation. During the last 25 years of his law practice, he focused on clients from Persian Gulf countries (primarily Kuwait), becoming an early innovator in the area of structuring investments with the West.

Together, he and his wife traveled widely in numerous countries where, in many cases, they had long-time friendships. Knight was for many years a member of the board of trustees of the Michael C. Carlos Museum at Emory University, where, among other things, he was instrumental in the exhibit of artifacts from the Kuwait National Museum titled "Islamic Art and Patronage/Treasures from Kuwait."

1968

J. WILLIAM LEWIS published an in-depth genealogy book, "Anthony Lewis of Isle of Wight County, Virginia and

Lineal Descendants to George Robert Lewis." Lewis makes special note of his family's long ties to the University of Virginia: "My family seems to have been drawn back to the Old Dominion: Appropriately, Anthony Lewis was born in 1664 in Isle of Wight County. My grandson, Logan Wilson Mercer, is presently a first-year at the University of Virginia; his mother is also a UVA graduate and his father is a graduate of the Law School; and, just to demonstrate the lodestone effect, my nephew, M. Scott Lewis, is also a UVA graduate. You can't get much more Wahoo than that!" Lewis and his wife, Lorraine Seaman Lewis, live in a suburb of Birmingham, Ala.

1971

ALAN J. MOGOL of Baker Donelson was elected to the board of directors of the Equipment Leasing and Finance Association, a national trade association representing companies in the equipment finance sector. A shareholder in Baker Donelson's Baltimore office, Mogol concentrates his practice in structuring and negotiating equipment finance transactions, as well as developing standard equipment lease/loan and syndication documentation.

As a longtime member of ELFA, Mogol has served on the

organization's lawyers committee and education committee. In 2016 he was named the recipient of ELFA's Edward A. Groobert Award for Legal Excellence. That same year he was listed in Leasing News as one of the 25 Most Influential Attorneys in Leasing and Finance. Mogol has been recognized by Best Lawyers in America in the area of equipment finance law since 2007 and in the area of banking and finance law since 2017. He was named the Best Lawyers - Baltimore banking and finance law Lawyer of the Year for 2017 and 2020. He is a frequent lecturer and author in the equipment financing area.

The third edition of **MARK E. SULLIVAN'S** book, "The Military Divorce Handbook," was published by the American Bar Association in May 2019 and is in its second printing. Sullivan and his wife, Teri, enjoyed trips to San Francisco; Hawaii; Charleston, S.C.; and Chicago in 2019.

ROBERT M. SPILLER JR. retired (again) in November. Spiller's first career was as a trial attorney and associate chief counsel for enforcement for the Food and Drug Administration from 1971 to 2003. For his second career, Spiller served as a contract instructor in FDA law for new FDA employees for 16 years.



TAYLOR REVELEY '68, president emeritus of William & Mary and former dean of its law school, and **STEPHEN HERMANN '69** had the opportunity to reminisce in Williamsburg, Va., last fall. Reveley was the opening speaker at the Annual Meeting of the American College of Environmental Lawyers, which Herrmann founded in 2007.

GIBBONS '75, VANCE '85, WALKER '94 ELECTED TO AMERICAN LAW INSTITUTE

Federal judge **JULIA SMITH GIBBONS '75**, **JOYCE WHITE VANCE '85** and **HELGI C. WALKER '94** were elected to the American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law.



Gibbons has served on the Sixth U.S. Circuit Court of Appeals since 2002. She previously served since 1983 as a judge on the U.S. District Court for the Western District of Tennessee, including six years as chief judge. Gibbons also worked as a legal adviser to then-Gov. Lamar Alexander of Tennessee and in private practice (see p. 100).



Vance is a Distinguished Professor of the Practice of Law at the University of Alabama School of Law. From 2009 to 2017, she was U.S. attorney for the Northern District of Alabama, where she served on the Attorney General's Advisory Committee and was the co-chair of its Criminal Practice Subcommittee. Before becoming a U.S. attorney, Vance served as an assistant U.S. attorney in Birmingham for 18 years. She spent 10 years as a criminal prosecutor before moving to the Appellate Division in 2002, becoming chief three years later. In February she discussed criminal justice reform on the Law School podcast "Common Law."



Walker is a partner in Gibson, Dunn & Crutcher's Washington, D.C., office, where she is co-chair of the firm's administrative law and regulatory practice group and a member of the appellate and constitutional law group. From 2010 to 2015, she was a public member of the Council of the Administrative Conference of the United States, which is composed of leading authorities on administrative law. Walker worked in the White House Counsel's Office as associate counsel to President George W. Bush from 2001 to 2003. In February she discussed criminal justice reform on the UVA Law podcast "Common Law."

Professors Ashley Deeks and Deborah Hellman were also elected to the ALI.

—Mike Fox

1972

LARRY BERGER serves as an honorary trustee of the Philadelphia Museum of Art, where he previously acted as general counsel and secretary. Berger is also a member of the board of directors of the Philadelphia Youth Sports Collaborative.

GEORGE HOUSE was named to Business North Carolina's Hall of Fame for environmental law. House is a partner with Brooks Pierce in Greensboro. House was also named in Best Lawyers in America 2020 for environmental law, environmental litigation, mining law, natural resources law and water law, as well as in North Carolina Super Lawyers for environmental litigation.

1974

The Virginia Bar Association inducted **JAMES M. BOWLING IV** of St. John, Bowling, Lawrence & Quagliana as a life member in recognition of his 40 years of continuous membership in the Virginia Bar Association.

DOUGLAS BRANSON'S 24th book is forthcoming this year. "Baseball's Turbulent Years: Drug Abuse, Labor Strife, and the Rise of Black Power" will be published by McFarland.

CLAIRE GASTAÑAGA, executive director of ACLU of Virginia, was named as a 2019 Leader in the Law by Virginia Lawyers Weekly.

RICHARD MENAKER writes that after 35 years of practice at

Menaker & Hermann, his firm is now affiliated with Offit Kurman in New York City. Menaker is a principal and tries commercial cases in state and federal courts, and in arbitration.

The Virginia Bar Association inducted **FREDERICK W. PAYNE** of Payne & Hodous as a life member in recognition of his 40 years of continuous membership.

JAMES C. SHANNON retired in May 2019. In October he was awarded the Hunter W. Martin Professionalism Award by the Bar Association of the City of Richmond, Va. The award is presented to members who, throughout their lives and careers in the law, have best exemplified the conduct and high ideals embodied in the bar's Principles of Professionalism.

JOHN F. WYMER III joined Thompson Hine in Atlanta. A partner in the labor and employment group, Wymer represents public, private and government employers of all sizes in state and federal courts across the country, as well as before the National Labor Relations Board, Equal Employment Opportunity Commission, U.S. Department of Labor and other administrative agencies. Wymer was named to Lawdragon's Corporate Employment Lawyers Hall of Fame and is a fellow in the College of Labor and Employment Lawyers.

1975

CHUCK HOWARD left Shipman & Goodwin after 38 years—the last five as general counsel—receiving both Lifetime Achievement and New

England Trailblazer awards from the Connecticut Law Tribune. In September, he began work as the executive director of the International Ombudsman Association, where he continues to promote and support ombuds programs.

The Virginia Bar Association recently inducted **EDWARD H. MCNEW JR.** of Crozet, Va., as a life member in recognition of his 40 years of continuous membership.

1976

BILL CARY was selected for inclusion in Best Lawyers in America 2020 for employment law for management; labor law for management; and litigation for labor and management. He was also recognized in North Carolina Super Lawyers. Cary is a partner with Brooks Pierce in Greensboro.

S. MILES DUMVILLE serves as chair of the Virginia Bar Association's Civil Litigation Section, vice chair of the advisory board for the UVA Cancer Center and president of the Edman Forest Owners Association. He is senior counsel with Reed Smith in Richmond.

JIM HINGELEY was elected commonwealth's attorney for Albemarle County, Va., and took office Jan. 1.

JAMES J. LEE was recognized by Best Lawyers as 2020 Lawyer of the Year for bankruptcy litigation in Dallas/Fort Worth. Lee is currently of counsel to Vinson & Elkins, having retired from the partnership at the end of 2018.

DONALD W. LEMONS received the 2019 American Inns of Court Lewis F. Powell Jr. Award for Professionalism and Ethics. Since 2015, Lemons has been the chief justice of the Supreme Court of Virginia, where he not only presides over the court but serves as the chief administrative officer managing Virginia's judicial system. "Even as he has risen to lead the oldest Supreme Court in the United States, he has retained the values of a country lawyer," said Kannon K. Shanmugam, a partner at Paul, Weiss, Rifkind, Wharton & Garrison in Washington, DC., one of Lemons' nominators. "He is a role model in how a judge should conduct himself from the bench. He treats everyone he encounters with respect."

Lemons served two terms as president of the American Inns of Court from 2010 to 2014. He was president of the John Marshall Inn from 2002 to 2004 and a master of the bench there and at the Lewis F. Powell Jr. Inn, both in Richmond. In 2008, the Honourable Society of the Middle Temple in London named him an honorary master of the bench in appreciation for his part in recognizing the Inn's role in founding Jamestown and the commonwealth of Virginia. Lemons was elected to the court by Virginia's General Assembly in 2000. He was previously a judge on the Court of Appeals of Virginia and on the Circuit Court of the city of Richmond, where he was a pioneer in the drug court movement.

JOHN VERING was elected a fellow of the College of Labor and Employment Lawyers and was selected by Best Lawyers 2020 as lawyer of the year in labor litigation and employment for Kansas City, Mo.

1977

J. WILLIAM GRAY joined Whiteford, Taylor & Preston's nonprofit organizations and associations practice in Richmond, Va. Gray advises on the formation of charities, business leagues, social welfare organizations, title-holders and other exempt entities, advising them on tax reporting, disclosure and corporate governance issues. Additionally, he advises high net worth clients in their charitable gift planning. A fellow of the American College of Trust & Estate Counsel, Gray is a founding director and former president of the Virginia Gift Planning Council. He recently served on the National Association of Charitable Gift Planners' board of directors and is a frequent speaker at state and national programs on charitable giving, nonprofit formation, planned giving and compliance.

DAVID A. LOGAN, dean emeritus and professor at the Roger Williams University School of Law, was appointed an adviser on the American Law Institute's Restatement of the Law Third, Torts: Defamation and Privacy. This project is part of ALI's ongoing revision of the second restatement and addresses torts dealing with personal and business reputation and dignity, including defamation, business disparagement and rights of privacy. Among other issues, the updates will cover the substantial body of new issues relating to the internet. Logan wrote that he credits UVA Law professor Lilian BeVier for igniting his interest in the intersection between tort law and the First Amendment that has resulted in this honor.

ROLIFF PURRINGTON returned from trips to the Ukraine, Myanmar, Northern Iraq and Colombia. He also joined the Houston boutique litigation firm, Gregor Cassidy and Wynne.

1978

CHRISTOPHER D'ANGELO authored the chapter "The Scope and Use of The Attorney-Client Privilege in the United States and Its Applicability to Communications in the U.S. and Abroad" in "The Attorney-Client Privilege in Civil Litigation: Protecting and Defending Confidentiality," a seventh edition published by ABA Books. D'Angelo is chair of the business disputes and products liability practice and the chair of the international practice at Montgomery, McCracken, Walker & Rhoads, based in its Philadelphia and New York offices.

MARY BLAND LOVE wrote that she "has retired from paying law work." She remains of counsel with Marks Gray in Jacksonville, Fla., speaks on professionalism and conducts moot court (trial) service. Bland Love was reappointed to the Jacksonville Ethics Commission by Public Defender **CHARLES COFER '77**. She shared that she has "had a satisfactory career and is grateful for UVA Law's preparation and reputation—that endure to this day!"



Last summer, **BLAKE MORANT**, right, former dean of the George Washington University



CONNOR '81 HONORED FOR WORK AS APPELLATE COURT CLERK

PATRICIA S. "PAT" CONNOR '81, clerk of court for the U.S. Court of Appeals for the Fourth Circuit, has received the 2019 Director's Award for Excellence in Operations/Support. The awards recognize outstanding performance, innovation and dedication by employees throughout federal courts each year.

Letters supporting Connor's nomination were written by more than a dozen federal judges, by district court clerks throughout the Fourth Circuit, and even by federal prosecutors and federal public defenders whose case files Connor's office administers.

"She is truly the heart and soul of the Fourth Circuit, and the judges and court staff will uniformly attest to that," wrote Judge **J. HARVIE WILKINSON III '72**. "Pat's leadership makes the court run like a finely tuned timepiece."

Supporters mentioned Connor's commitment—personally traveling to the hometowns of new judges to make sure their chambers and staff are properly functioning, and even wading through flooded hallways during a 2019 water leak to make sure the circuit's Richmond courthouse was operating the next day.

"Federal defenders have a not wholly undeserved reputation as a contrary, independent-minded group who rarely agree on anything," said a letter signed by the circuit's nine federal public defenders. "But when it comes to Ms. Connor, we are unanimous; she is an exemplar of everything a public servant should be."

Judges praised Connor for her sound advice, saying they routinely turn to her on ethics-related and procedural questions, and for inspiring her staff to provide exemplary service.

"She has created an office that is a model of cooperation and competence," wrote Judge **DIANA GRIBBON MOTZ '68**. "Each year or so, we do anonymous surveys of lawyers asking their views of the court. ... Never has the clerk's office received a single complaint. Rather, lawyers initiate compliments on the innovations and efficiency of Pat's office."

—Mike Fox

Law School, and **J. BRUCE ROBERTSON LL.M. '73**, a retired justice of the Court of Appeal of New Zealand, met for the first time in Auckland. The meeting was facilitated by mutual friend **LINDA G. HOWARD '73**.

In September, GW Law unveiled Morant's official portrait. Colleagues and friends in attendance were **ANN BROWN '77**, **ERIC FONTAINE '79**, **GEORGE GARROW '79**, **THEODORE KING**, **KLINETTE HUNTER KINDRED** and **JAMES KURZ '76**.

1979

Schiff Hardin partner **PAUL DENGEL** has worked with Chicago Volunteer Legal Services for the past 40 years.

After graduating, Dengel wanted to apply his skills to help people who needed legal assistance in lower-income communities and thought about starting a legal clinic.

At the same time, the CVLS put out a call for pro bono lawyers. Dengel realized that rather than start a clinic, Schiff Hardin attorneys could essentially "adopt" a CVLS clinic, staff it and do the one-on-one work they wanted to do. In 1979, lawyers volunteering at clinics was a novel idea, though it has now become a common practice.

Forty years later, other firms have adopted their own clinics and CVLS can conserve its resources by staffing their clinics with lawyers working pro bono. Dengel reports that his work on behalf of the CVLS Rogers Park Clinic has been one of the most rewarding facets of his career.

MARK LESTER'S book "H. H. Asquith: Last of the Romans" was re-

cently released by Lexington Books. The book chronicles the life of Asquith (1852-1928), the longest-serving British prime minister between Lord Liverpool (Robert Jenkinson) and Margaret Thatcher.

RANDY UNDERWOOD was selected for inclusion in Best Lawyers in America 2020 for financial services regulation law and real estate. Underwood practices with Brooks Pierce in Greensboro, N.C.

1980

GLENN R. CARRINGTON is in his third year as dean of Norfolk State University's School of Business, after a 37-year tax career. Carrington writes, "I'm proud to say that the knowledge I gained at UVA Law is serving me well as dean. I am making a difference, and I sincerely thank UVA Law for providing me with the foundation to do so."

RICHARD "AD" ADAMS EICHNER died Oct. 17 in Alexandria, Va. He was 66. Eichner co-founded Ritter & Eichner, a public finance law firm in Washington, D.C., in 1991. Throughout his career, he specialized in tax-exempt financing involving multifamily housing. He played a leading role in developing new structures for housing bonds, and was a lecturer and panelist at many housing finance workshops and events. He was proud of the impact of the work that he did facilitating more low-income housing for families in poverty.

1981

SCOTT CAIRNS retired from McGuireWoods on Dec. 31, after 38

years. Cairns continues his mediation practice in Jacksonville, Fla.



NANCY B. GARDINER was named managing partner of Hemenway & Barnes, a Boston-based law firm, serving as trusted counsel to the region's high net worth families, businesses and nonprofit organizations for over 150 years.

Gardiner joined the firm in 1986 and, after a hiatus from 1993-98, was elected into the partnership in 2005. She is the director of the firm's family office and philanthropic advisory services, and is the past co-chair of the nonprofit practice group. In addition, Gardiner is a managing director and secretary of Hemenway Trust Co., a New Hampshire-based private fiduciary firm and firm affiliate.

Gardiner is a board member of TSNE Missionworks and on the board of governors of the Colby College Museum of Art.

GREGORY W. NYE retired from Bracewell at the end of 2018.



JOHN L. RIVKIN was named to Best Lawyers for his insurance law practice. Rivkin practices with Rivkin Radler in Uniondale, N.Y.

1982

EDNA CONWAY joined Microsoft as vice president and general manager of Global

Security, Risk and Compliance, overseeing the company's cloud supply chain. Conway was previously chief security officer with Cisco, where she held various roles during her 20-year tenure.

Deceased U.S. District Judge **ROBERT R. MERHIGE LL.M.** is the subject of an upcoming documentary, "The Judge: Character. Cases. Courage," to be released on public television in Richmond, Va., and, filmmakers hope, public television stations nationwide. There are also plans for a longer, theatrical version for screenings at law schools, bar associations and film festivals.

Merhige's work to desegregate Virginia schools, including ordering the admission of women to UVA, often overshadows other major cases he oversaw. According to a recent Richmond Times-Dispatch article, "[Merhige] presided over one of the worst environmental disasters in U.S. history, the Allied Chemical Co. spill of the insecticide Kepone into the James River. And he handled one of the largest product liability cases of its era, involving Richmond-based pharmaceutical company A.H. Robins and its Dalkon Shield intrauterine device."

The article includes some discoveries by the filmmakers: "Merhige—whose pet dog was shot and whose

guesthouse was burned down during the early 1970s—remains a polarizing figure nearly a half-century after he ordered crosstown and later cross-jurisdictional busing to achieve the school desegregation that a U.S. Supreme Court ruling had not."

1983

MARK DAVIDSON was named to Business North Carolina's Hall of Fame for business law. Davidson is a partner with Brooks Pierce in Greensboro. Davidson was also selected for inclusion in Best Lawyers in America 2020 for business organizations (including LLCs and partnerships), closely held companies and family business law, corporate law, mergers and acquisitions law, securities/capital markets law and tax law. He was also recognized in North Carolina Super Lawyers for business/corporate law.

JEFF OLEJNIK was named to Business North Carolina's 2020 Legal Elite for his work in bankruptcy law. Olejnik is a partner with Brooks Pierce in Greensboro. Olejnik was also selected for inclusion in Best Lawyers in America 2020 for antitrust law, bankruptcy and creditor debtor rights/insolvency, and reorganization law. He was recognized in North Carolina

Super Lawyers for bankruptcy (for business) and as one of the top 100 North Carolina lawyers.



CRAIG OWEN WHITE was appointed partner-in-charge of the Cleveland office of Hahn Loeser & Parks and will play a leading role in the growth and direction of the firm in Northeast Ohio. White has been with Hahn Loeser since 1990. He was elected to partnership in 1991 and served on the board of directors from 1997 to 2007. As a senior partner in the business practice area, White guides established and growth-oriented companies through mergers, acquisitions, divestitures, enterprise governance, and financing and licensing issues in the United States and abroad. White serves as a director of Great Lakes Cheese Co., one of the largest privately owned food companies in the country. In addition, he was recently appointed for a second term by the U.S. Trade Representative to the Trade Advisory Committee on Africa and was appointed chair earlier this year.

DAVID C. WRIGHT III was inducted as a fellow in the American College of Trial Lawyers.

Wright's litigation practice at Robinson Bradshaw in Charlotte, N.C., spans more than 30 years. He represents clients in securities and ERISA class and derivative actions, corporate and regulatory investigations, employment and trade secret disputes, insurance coverage issues and product liability claims. Wright has represented the administrations of four North Carolina governors in significant and groundbreaking constitutional and statutory litigation.

Wright also serves as chairman of the Morehead-Cain Foundation board of trustees.

1984



JOHN B. LYNCH JR., a partner with Robinson+Cole, was named Best Lawyers 2020 Lawyer of the Year in Hartford, Conn., for mergers and acquisitions law. Lynch serves as chair of the firm's diversity and inclusion committee, the firm's professional development partner, and the firm's financial adviser to the managing committee. He is a member of the business transactions practice group.

Lynch's clients include banks and other financial institutions, public and large private corporations, sovereign tribal nations, health care providers and small-business ventures. He was the firm's managing partner from 2009 to 2016.

ALISON M. MCKEE was installed as the 132nd president of

the Virginia Bar Association.

An attorney at the Virginia Beach branch of the Norfolk-based law firm Kaufman & Canoles, McKee's practice is focused on banking and finance, commercial real estate and senior housing matters.

McKee has been a member of the VBA since 1984. She has co-chaired the VBA Business Law Section's Third-Party Legal Opinions Report Committee and served as vice chair of the VBA Business Law Section. McKee has also served on the VBA Board of Governors since 2016.



LONNIE D. "CHIP" NUNLEY III and his extensive pro bono work were featured in a Virginia Lawyer article, "Fighting the Giant: A Lawyer and Tenants Team Up to Improve Housing." Although Nunley's practice at Hunton Andrews Kurth centers on businesses in state and federal courts in Virginia and across the country, his 1,000-plus annual hours of pro bono work focus on tenants being treated unjustly.

Nunley credits **THOMAS G. SLATER JR. '69** with inspiring his pro bono service. Along with his classmate, **ROB BROOKE**, Nunley started a pro bono housing law project with the Richmond Bar Association and Central Virginia Legal Aid Society, at the time led by **HENRY MCLAUGHLIN '66**. The article ties Nunley's housing work with wellness initiatives, "We all go through times in our practice when it seems like all we're doing is either revising contracts or reviewing documents," he said. "If you



ENGLE '86, WHO SPEARHEADED LANDMARK FTC CASES, RETIRES FROM AGENCY

MARY ENGLE '86, who led the Federal Trade Commission's first privacy and social media influencer cases, has retired after 30 years with the agency. She joined Better Business Bureau National Programs as executive vice president, policy, in February.

Engle stepped down as associate director of the trade commission's Division of Advertising Practices in January. She had been the head of that division for nearly 19 years, overseeing its work regarding national advertising policy and law enforcement, including claims made about food, dietary supplements, alcohol, tobacco and broadband, as well as digital technology marketing practices such as native advertising and influencer marketing.

"Consumers nationwide have benefited greatly from many important law enforcement actions and policy initiatives that Mary Engle has directed," Andrew Smith, director of the FTC's Bureau of Consumer Protection, said in a statement. "Mary has been an ideal colleague and an inspiring supervisor, and all of us who have had the privilege of working with her have benefited from her wisdom, judgment, kindness and unfailing good humor."

She successfully led law enforcement actions of national significance, including against POM Wonderful, Braswell, Eli Lilly and Lord & Taylor. She also spearheaded numerous advertising policy initiatives and studies that have transformed advertising industry practices.

In 2002, in the FTC's first privacy case, drugmaker Eli Lilly agreed to settle charges regarding the unauthorized disclosure of sensitive personal information collected from consumers through its Prozac.com website. In 2016, in the agency's first case involving social media influencers, Lord & Taylor settled charges that the retailer deceived consumers by paying for native advertisements without disclosing that the posts were paid promotions.

Engle received numerous awards over the course of her federal government career, including the Meritorious Executive Rank Award from President Barack Obama in 2012, for sustained superior accomplishment in the management of U.S. government programs, and the FTC Chairman's Award for the Commission's 2000 Media Violence Study and Report.

Engle began her career at the commission in 1990 as an attorney in the Division of Advertising Practices. She served in a range of other positions during her time with the agency, including as assistant to two directors of the Bureau of Consumer Protection, attorney adviser in the office of Commissioner Roscoe B. Starek, and assistant director in both the Enforcement and Advertising Practices divisions.

—Mike Fox



Alumni in the Los Angeles and Orange County, Calif., region held their "official" Feb Club social events—four of them throughout the month of February—as a nod to the UVA Law tradition. Volunteer region managers **LISA STEEN PROCTOR '89** and **NANCY SCHWAPPACH '87** organize the events on behalf of the Law School Foundation. Pictured are **GEOFFREY HALE '93**, **DAVE GRACE '81**, **LISA STEEN PROCTOR '89**, **LAURA ECK-ERLIN INLOW '87**, **NANCY SCHWAPPACH '87**, **RON FRANK '82** and **ROBIN ROBERTS MCCUNE '86**.



CHARLOTTESVILLE'S TOSCANO '86 RETIRES FROM VIRGINIA HOUSE

DAVID J. TOSCANO '86, a leading lawmaker in Virginia's House of Delegates, retired from politics after serving the city of Charlottesville for 25 years.

Toscano announced in a floor speech as the General Assembly session ended in February 2019 that he would not seek an eighth term. He was first elected to represent the 57th District in 2005 and was House minority leader from 2011 to 2018.

Toscano served on Charlottesville's City Council from 1990 to 2002, including a stint as mayor from 1994 to 1996. Toscano's first foray into politics was an independent run for Congress in 1982. His forthcoming book, "Great States Don't Just Happen: The Role of Politics, Policy and Personalities in Shaping Virginia and the Nation," chronicles his career in public service.

Reflecting on his tenure in a floor speech, Toscano said his top legislative accomplishments included a bipartisan transportation package, expanding Medicaid coverage, adoption law reform and efforts to restore hundreds of unidentified African American gravesites in his district. He said his proudest feat was helping Democrats flip 15 House seats in the 2017 election, giving them their largest caucus in 20 years.

"I'm immensely proud, and eternally grateful, for having had the opportunity to play a role in public service for the last 25 years, including 14 in this body," Toscano said. "It has been the honor of my life. And it's simply not possible for me to adequately repay the love that my friends, neighbors and family have given me during my public service."

Republican Del. **ROB BELL '95** of Albemarle County, an attorney at Davidson & Kitzmann who took office in 2002, noted how lawmakers—regardless of party—often ceded bills dealing with child custody, divorce or adoption to Toscano because "we trusted him to get it right."

"It is impossible to overstate the impact David Toscano's had on Charlottesville," Bell said in a floor speech.

Toscano currently specializes in family law as a partner at Buck, Toscano & Tereskerz, along with trial attorney **FRANK BUCK '71** (partner **TERRY TERESKERZ '77** died in 2018). He has taught politics and sociology at various colleges and universities, including Boston College, the University of Maryland (European Division), UVA, James Madison University and Piedmont Virginia Community College.

—Mike Fox

can find a break in that to go out and represent an individual, you'll feel much better about what you're doing. It helps you with your identity as a lawyer."

1985



MARTHA N. DONOVAN, a member of Norris McLaughlin and co-chair of its environmental law practice group, was named Best Lawyers' 2020 Lawyer of the Year for environmental litigation in the Woodbridge, N.J., metropolitan area. A resident of West Windsor, Donovan devotes her practice to environmental law and complex litigation with an emphasis on the defense of environmental property damage claims. She also has considerable experience working on related insurance coverage matters.

Donovan has authored articles and given presentations to various trade groups and associations on issues ranging from lender liability under Superfund to the availability of insurance coverage for various aspects of business-related accidents.

HAL HICKS, global head of Skadden's international tax practice, was named among the top 30 global tax professionals in Euromoney's 2019 Best of the Best Global Expert Guide (one of only four U.S. tax professionals ranked) and has repeatedly been included in Euromoney's Best of the Best USA Expert Guide.

Hicks recently shared some family news. He writes that he and his wife of 34 years, Nancy, live in McLean, Va., but spend time at their home in Charlottesville,

as well as at the Outer Banks. "Oldest son, Josh, and his wife, Jess, are teachers in Maryland and the family is looking forward to welcoming their first grandchild. Middle son, Matt, is in his second year in grad business school at Georgetown and doing great. Youngest son, William, having graduated from UVA undergrad, is now in his first year at the Law School—having elected to stay in C'ville as a Karsh-Dillard Scholar over going to Harvard (clearly gets his brains from his mother!)." Hicks adds, "Sadly, Nancy continues to struggle with a progressive neurological disease—perhaps not as bad as ALS which took our friend **DOUG SCHNEEBECK**—but pretty bad. Nancy deals with the situation with more grace and dignity than seem possible."

MELISSA WEAVER was selected for inclusion in Best Lawyers in America 2020 for employee benefits (ERISA) law. Weaver practices with Brooks Pierce in Greensboro and Raleigh, N.C.

1986

PETER A. CARO was recognized by 2019 Massachusetts Super Lawyers for his work in real estate law. Caro practices with Casner & Edwards in Boston.



WILLIAM W. EIGNER was selected for inclusion in Best Lawyers in America 2020 for his mergers and acquisitions work. Eigner is a partner with Procopio, Cory, Hargreaves & Savitch in San Diego.

1987

R. KELVIN ANTILL joined Rosenberg Martin Greenberg in Baltimore. Antill's practice focuses on commercial real estate including development, acquisition, disposition and real estate financing. He has been in private practice and in-house—the latter serving, among other roles, as general counsel of both a public real estate investment trust and a private development company. In addition to being a key member of the senior management teams, Antill also worked closely with and assisted the development teams in acquiring, entitling, developing, and obtaining municipal and state financial assistance to construct large retail shopping centers around the country.

ROGER BROOKS writes that after taking early retirement from Cravath at the end of 2016, he is now working full time on constitutional litigation as senior counsel with the Alliance Defending Freedom.

The Center for Responsible Enterprise and Trade, an organization **PAMELA PASSMAN** founded in 2011, recently launched a grants program. CREATE.org has worked to define leading practices and resources to educate organizations about the best ways to manage risk and improve governance and compliance. The grants are an endeavor to help fund projects that will advance CREATE.org's mission of defining leading practices for addressing key business issues, such as preventing corruption, protection

of intellectual property, trade secrets and cybersecurity.

ALFRED "RAN" RANDOLPH celebrated his 32nd anniversary with Kaufman & Canoles, where he chairs the recruiting committee and serves as chief growth officer. Randolph and his wife, Kristen, will celebrate their 30th anniversary this summer. The couple has three sons—Ranny, 24; Christian, 20; and Peyton, 17—who keep them busy and "make them proud," Randolph writes. He also extends the invitation to friends who are in the Virginia Beach or Norfolk areas to give him a call.

BOB SAUNDERS was selected for inclusion in Best Lawyers in America 2020 for litigation and tax controversy, nonprofit/charities law and tax law. He was also recognized in North Carolina Super Lawyers for business/corporate law. Saunders practices with Brooks Pierce in Greensboro and Raleigh.

RANDY TINSLEY was selected for inclusion in Best Lawyers in America 2020 for environmental law and environmental litigation. Tinsley practices with Brooks Pierce in Greensboro, N.C.

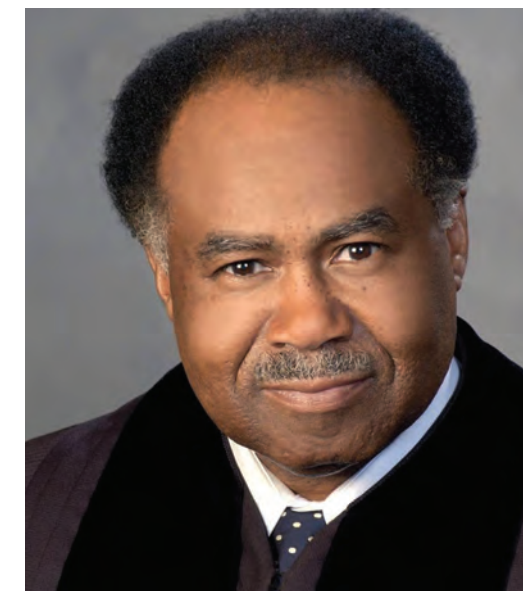
BETH WILKINSON of Wilkinson Walsh was the featured guest on the "Behind the Trial" podcast's ninth episode. Topics covered range from what makes an exceptional trial lawyer to the challenges and opportunities faced by female attorneys. "Behind the Trial" is a podcast series presented by Benchmark Litigation, in association with McKool Smith.

1988

JOHN M. COOPER, a partner with Cooper Hurley in Norfolk, was named a 2019 Leader in the Law by Virginia Lawyers Weekly. Cooper wrote that he is enjoying reliving his UVA Law days through his son, Matthew, a second-year.



RICHARD FORSTEN, a partner with Saul Ewing Arnstein & Lehr in Wilmington, Del., was awarded the 2019 Governor's Outstanding Volunteer Award by the Delaware State Office of Volunteerism and Gov. John Carney. Forsten was selected for his significant contribution, engagement and impact in multiple areas. He has served on the School Board of the Appoquinimink School District since 2011, serving as president since 2015. He is a past president of Middletown's historic Everett Theatre, where he is still an active volunteer. He is a current board member of the Ministry of Caring in Wilmington, and a past board member of Goodwill of Delaware and the Ronald McDonald House of Delaware. Forsten has also been recognized by the Delaware Supreme Court for exemplary pro bono public service. Forsten's law practice is focused on land use, commercial real estate, administrative law and business litigation, both at the trial and appellate level. He is a past president of the Delaware State Bar Association, and still serves on its Executive Committee.



BENHAM LL.M. '89, FIRST BLACK JUSTICE ON GEORGIA SUPREME COURT, RETIRES

ROBERT BENHAM LL.M. '89, the first black justice on the Georgia Supreme Court and its first black chief justice, retired March 1 after serving for 34 years as an appellate court judge.

He announced in December that he would depart before his term was set to end on Dec. 31, 2020.

"Justice Benham has been a steady force behind this court," Chief Justice Harold Melton said in a statement. "As a jurist, he has been unwavering in his commitment to ensuring that all people have equal access to the courts. As a man, he is the embodiment of justice and mercy. He is one of those who manages to bring the best out of people."

Gov. Joe Frank Harris appointed the Cartersville, Ga., native in 1989. In 1990, Benham won a statewide election to a full term on the court, and was reelected every six years until his retirement. Benham also was elected by his colleagues to serve as chief justice, from 1995 to 2001.

"Justice Benham is a trailblazer, freedom fighter and fiercely compassionate soul who has always led by example and personified integrity," Gov. Brian Kemp said in a statement. "The profession of law and Georgia's judiciary are immeasurably better because of Robert Benham. Neither will be the same once he leaves the bench."

After practicing as a lawyer in Cartersville, Benham was appointed to the state Court of Appeals in 1984 and months later won a contested race for the seat, becoming the first African American to win a statewide election in Georgia.

He previously was a trial attorney for the Atlanta Legal Aid Society Inc. and a special assistant attorney general, and served two terms as president of the Bartow County Bar Association. After completing law school, Benham served in the U.S. Army Reserve, attaining the rank of captain.

In 1970, Benham became the second African American to graduate from the University of Georgia Lumpkin School of Law, earning a J.D. He earned a bachelor's in political science from Tuskegee University in 1967 and also attended Harvard University.

—Mike Fox



► Clockwise: Deborah Blevins '83, Marissa Henderson '99, Jamie Baskerville Martin '96 and Crystal Shin '10

ALUMNAE NAMED TO 2020 CLASS OF 'INFLUENTIAL WOMEN IN LAW'

Professor **CRYSTAL SHIN '10** was named to Virginia Lawyers Weekly's 2020 class of Influential Women of Law, along with state Judge **DEBORAH BLEVINS '83**, **MARISSA HENDERSON '99** of Ventker Henderson and **JAMIE BASKERVILLE MARTIN '96** of Williams Mullen.

This awards program honors women for their work on behalf of the justice system and their clients, their commitment to their communities and their service to the profession.

Shin joined the Law School in 2017 as the first director of the Program in Law and Public Service, which offers a select group of students intensive training that prepares them for a career in public service.

Blevins, of Roanoke, has served as deputy commissioner at Virginia Workers' Compensation Commission since 2004. She was previously a partner in Gilmer, Sadler, Ingram, Sutherland & Hutton in Pulaski.

Henderson, a partner at Ventker Henderson in Norfolk, focuses her practice on a variety of matters, including vessel collisions, marine terminal liability defense, contract disputes, maritime personal injury and wrongful death defense, and insurance coverage litigation. She is an experienced trial attorney at both the trial court and appellate level.

Martin is a partner and chair of Williams Mullen's health care section in Richmond, and is a member of the firm's Women's Initiative Steering Committee. She served on the board of governors for the Virginia Bar Association and is immediate past chair of the VBA's Health Law Section Council. She is a member of the Virginia State Bar's Study Committee on the Future of Law and chairs the VBA's Wellness Task Force.

—Mike Fox

He has been ranked by Chambers as one of Delaware's Leading Lawyers for Real Estate/Land Use since 2003.

SHARON GOODWYN was profiled in The Virginian-Pilot in a "First Person" article last summer. Goodwyn is an employment law specialist and has practiced 31 years with Hunton Andrews Kurth.

Last year, Goodwyn, a longtime supporter of community service organizations, was elected vice chair of the Hampton Roads Community Foundation board of directors. She is the first woman and African American to serve in a top leadership role with the organization, which awards scholarships and grants and coordinates leadership initiatives for the betterment of Southeast Virginia.

Goodwyn also serves on the boards of the University of Virginia Law School Foundation, Eastern Virginia Medical School, Virginia Wesleyan University, St. Mary's Home and the Foodbank of Southeastern Virginia, among others.

Goodwyn lives in Chesapeake with her husband, state Supreme Court Justice **S. BERNARD GOODWYN '86**.

MICHAEL KUN is the national co-chairperson of Epstein Becker & Green's wage and hour and class-action practice group. His novel "The Locklear Letters" was filmed for a movie that will be released in 2020 as "Eat Wheaties!" starring Tony Hale, Elizabeth Banks, Danielle Brooks, Paul Walter Hauser and Elisha Cuthbert.

JOHN M. MITNICK, former general counsel and regulatory policy officer

of the U.S. Department of Homeland Security, serves as a consultant to Draganfly Inc. Mitnick has been engaged to advise on government and commercial business opportunities. Draganfly is an award-winning, industry-leading systems developer within the commercial unmanned aerial vehicle and the unmanned vehicle systems fields.

After 30 years in private practice, **SUSAN B. READ** was elected to the juvenile and domestic relations district court bench for the 25th Judicial District of Virginia. She sits in the Staunton/Augusta Juvenile and Domestic Relations District Court. Read and her husband, Bill, continue to live in Staunton.

JENNIFER RICKETTS was awarded the U.S. Department of Justice's Civil Division's highest award, the Stuart E. Schiffer Memorial Award. Ricketts serves as the director of the Federal Programs Branch. The award recognizes an employee who has made an outstanding contribution of long-term impact to the Civil Division, or whose activities reflect credit upon the division.

MICHAEL D. STEGER was appointed co-chair of the American Bar Association's Intellectual Property Litigation Committee. Steger was also named a fellow of the American Bar Foundation. Steger practices copyright, trademark and entertainment law in New York City.

The Washington 2019 edition of Super Lawyers featured an in-depth profile of **JAMES F. WILLIAMS**.

Williams is firmwide business litigation chair at Perkins Coie and managing partner of its Seattle office. Washington state is a long way from Williams' hometown of Rembert Township, described in the article as "a hiccup of a town off Camden Highway, 117 miles outside of Charleston, South Carolina."

Williams said he was transformed by the discipline, order and consistency he experienced while attending The Citadel before coming to UVA Law. He then served for five years as a judge advocate general before settling into his law practice in Seattle, at the recommendation of Law School friend **MARCELLA FLEMING REED**.

1989

CHRIS GOTTSCHO splits his time between Far Hills, N.J., and Park City, Utah, and has two sons, Teddy, 3, and George, 1.

1990

JOHN BATEMAN joined Parker Poe Adams & Bernstein as counsel in Charlotte, N.C. Bateman focuses his practice on life sciences, with an emphasis on representing generic drugmakers in disputes involving the Hatch-Waxman Act.

JAMES MCLAUGHLIN'S book, "Bearskin," won a 2019 Edgar [Allan Poe] Award honoring the best first novel by an American author. The book was published by HarperCollins' Ecco imprint in 2018.

STAN PERRY became an adjunct faculty member at Baylor Law School's Executive LL.M. in

Litigation Management Program.

1991

Mayer Brown Partner and Director of Diversity & Inclusion **JEREMIAH DEBERRY**

was named to The National Law Journal's inaugural list of "Equality Trailblazers," which recognizes individuals in the legal industry who have advanced the cause of equality. DeBerry oversees all aspects of Mayer Brown's efforts to recruit, hire, develop, and promote diverse and women lawyers.

NLJ also highlighted DeBerry's role as a member of the firm's partner promotion committee, in which he has helped increase diversity at the partner level from 5% to 13% in just over three years. In June, he was named to Lawyers of Color's inaugural list of Nation's Best in the Eastern regional category.

TODD GRAVES and his daughter, Katie, have more than family ties to talk about. The two are on track to share two alma maters. Each attended the University of Missouri for undergraduate studies, and with Katie's matriculation at the Law School, both will share that as well.

Todd started his career as a Missouri assistant attorney general before being elected prosecuting attorney for Platte County and eventually serving as U.S. prosecuting attorney for the Western District of Missouri.

He later founded Graves Garrett and his legal career helped inspire Katie to pursue her law degree after initially going to Missouri for journalism.

MARK HAMER was appointed global chair of the antitrust and competition practice at Baker McKenzie, where he is a partner in the Washington, D.C., office. Hamer lives in McLean, Va., with his wife and two daughters.

VERNON E. INGE JR. was listed among the 2019 Virginia Business Legal Elite in the bankruptcy/creditors' rights area. Inge practices with Whiteford, Taylor & Preston in Richmond.

After 20 years in-house as a patent and intellectual property attorney at Intel Corp., **MCCOY SMITH** "retired" to found his own firm—Lex Pan Law in Portland, Ore. The firm specializes in technology and intellectual property law, with a sub-specialty in free and open-source licensing. In a more-than-35-year career in technology and law, Smith has worked in virtually every facet involving the intersection of the two fields: engineer, patent examiner, patent and trademark prosecutor, patent litigator, patent reexamination and opposition proceeding advocate, patent and technology license drafter and negotiator, IP adviser, teacher, author and lecturer. In addition to practicing both in-house and in private practice, Smith has taught portions of the U.S. patent bar exam for a long-standing patent bar exam preparation course, and currently serves on the editorial board of the Journal of Open Law, Technology & Society, an international journal dedicated to issues around free and open licensing and sharing of technology, data and knowledge. Smith is licensed to practice in Oregon, California and New York, and with the U.S. Patent and Trademark

Office. He spends his free time traveling with his wife, Althea, and speaking to various legal and technology conferences worldwide and commuting between their primary residence in Portland and a vacation home in British Columbia, Canada, as well as keeping up with his 9-year-old son, Perry.

1992

SCOTT KERMAN is executive director of Blanchet House of Hospitality, a nonprofit in Portland, Ore., that provides meals three times a day, six days a week to housing- and food-insecure people in Portland's Old Town community. Blanchet House also features a long-term residential program for men in recovery at its downtown location and at a farm in Yamhill County. Kerman spent most of his career working in schools, first in Teach For America, where he was the first law school graduate in the country to participate in the program, he reports, then as a middle school, high school and college teacher, and finally, in school leadership and administration.



MICHAEL WU, chief legal officer and corporate secretary of Madewell, received the National Asian Pacific American Bar Association 2019 Diversity Leadership Award, which honors an in-house member who has demonstrated leadership and a commitment toward diversity in the legal profession.

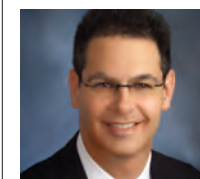
1993



GUY FLYNN and his wife, Nupur Parekh Flynn, were honored with a Sadie Award by the Children's Guild Alliance for their leadership in innovation and philanthropy. The Children's Guild is a nonprofit organization serving children, families and child-serving organizations.

Flynn practices law at DLA Piper, where he serves as chairman of the firm's Maryland real estate practice and is partner-in-charge of the firm's Baltimore office. He serves as a trustee and board president-elect of The Walters Art Museum, a trustee and executive committee member of the Baltimore Community Foundation, a director of Maryland Legal Aid, a governor of The Center Club and a member of the Baltimore City Ethics Board. Global, national, regional and industry publications have recognized him as a top lawyer.

1994



ANDREW S. BROWNSTEIN joined GreeneHurlocker in Richmond, Va., as a partner. Brownstein founded Global Realty Services Group and previously served as general counsel there for a decade, while also serving as the company's chief



FOX NAMES MALONE '97 VICE PRESIDENT OF LEGAL

Fox Corp. hired **STEPHEN J. MALONE '97** in September as vice president of legal, employment and corporate affairs.

Based in New York, Malone provides employment law advice and counsel to a variety of businesses in the Fox portfolio, which includes media assets in news, sports and original entertainment programming, as well as TV stations. He also assists with mergers and acquisitions, executive compensation and corporate governance. The organization was spun off from 21st Century Fox Inc. during its acquisition by Disney.

Previously at NBCUniversal, Malone rose through the ranks as employment law counsel, senior counsel and then vice president in 2009. He advised the organization on equal employment opportunity, avoiding harassment and retaliation claims, leaves of absence, and labor and employment issues in acquisitions and divestitures. Malone also led companywide initiatives on wage/hour compliance and proper engagement of independent contractors.

He began his career at Winston & Strawn, specializing in labor and employment law, and Proskauer Rose.

—Mike Fox



NFL NAMES SMITH '98 CHIEF PEOPLE OFFICER

The National Football League named **DASHA SMITH '98** executive vice president and chief people officer in November.

Smith is responsible for all human resource activities, including talent and diversity strategies, workplace culture, compensation and recognition programs, leadership development and succession planning. She reports to Maryann Turcke, the league's chief operating officer.

"We welcome Dasha to the NFL family," NFL Commissioner Roger Goodell said in a statement. "Her sharp insight, work style and unique experience make her the right person to drive our efforts to grow, engage and inspire our workforce. I am excited about the impact Dasha will have in key areas across our organization, especially diversity and inclusion which is a top priority for our league."

Smith joined the NFL from Sony Music Entertainment, where she was executive vice president and global chief human resources officer. While at Sony Music, she oversaw global human resources across more than 60 countries.

"It's a privilege to join the NFL, a world-class organization I have long admired," Smith said in a statement. "This is a time of groundbreaking evolution, which I am excited to help drive. I look forward to partnering with the executive team to develop a modern and progressive HR strategy that positively impacts the organization."

Smith serves as co-chair of the Law School's \$400 million Honor the Future capital campaign. She welcomed the UVA Law Class of 2019 as orientation speaker.

Before joining Sony Music, Smith was managing director, office of the chairman and global chief human resources officer for GCM Grosvenor, a global alternative investment firm. Prior to that, she served as Time Inc.'s global head of employee relations, and chief labor and employment counsel.

—Mike Fox

financial officer (2009-16) and president of its affiliated title company (2013-17).

PATRICK JOHNSON was selected for inclusion in Best Lawyers in America 2020 for corporate law and mergers and acquisitions law. Johnson practices with Brooks Pierce in Raleigh, N.C.

T. MARIA LAM was promoted to vice president at Intel Corp. in early 2019. She leads the company's international legal teams and travels regularly to Asia and Europe.

1995



Penguin/Portfolio just published **ROMI NEUSTADT'S** new book "You Can Have It All, Just Not at the Same Damn Time," in which she shares her strategies for success, so that other women can have it all too. Neustadt suggests we stop "should'ing" by switching out to-do lists for an empowering weekly plan that she says she has coached more than 100,000 women to use. Neustadt lives in San Diego with her husband, John, and their children, Nate and Bebe.

1996



CATHERINE COLYER is the chief compliance officer of WaterEquity, a social impact investment fund manager that deploys

capital worldwide to meet the massive demand for safe water and sanitation among people living in poverty. Based in Kansas City, Kan., WaterEquity promotes access to safe water and sanitation, economic opportunity and gender equality through its investments. Colyer is responsible for U.S. and international regulatory compliance and fund management, and oversees legal counsel worldwide.

MARK KNUEVE was included on the 2020 Best Lawyers in America List for employment law (on behalf of management), and labor and employment litigation. Knueve practices with Vorys, Sater, Seymour and Pease in Columbus, Ohio.

GREG MAURER has traveled to India a dozen times and gives talks there to promote intellectual property awareness among law students and industry groups. He freely licenses his presentations under Creative Commons.

ERIC PERKINS was inducted into the Richmond Tennis Hall of Fame on Nov. 16. Perkins, who has been involved with tennis for more than 40 years as a player, coach, official, volunteer and advocate, was part of the ninth class inducted into the Hall of Fame, joining previous inductees such as Arthur Ashe, Lou Einwick, Rodney Harmon, Penelope Anderson and Lindsay Wortham.

ANTHONY F. VITTORIA was appointed as an associate judge with the Circuit Court for Baltimore City by Maryland Gov. Lawrence Hogan. Prior to this appointment, Vittoria served as

an administrative law judge with the Maryland Office of Administrative Hearings since December 2018. He previously practiced in Baltimore as an associate with Goodell, DeVries, Leech and Gray and as a partner with Ober|Kaler.

1998



KATHRYN BARCROFT was promoted to partner with Solomon Law Firm and is chair of the private-sector employment division, representing employees and counseling companies in legal matters, primarily in the New York and Washington, D.C., markets. Barcroft focuses on workplace rights in the #MeToo era of employment litigation, as well as all aspects of employment litigation, including claims of discrimination and retaliation, wrongful termination, harassment, whistleblower protection and more.

MICHAEL FORDHAM LL.M. has been appointed as a high court judge in the United Kingdom and serves on the Queen's Bench Division.



STEVEN YOVITS was named chair of the patent practice group with Kelley Drye & Warren in Chicago. Yovits focuses on litigation and counseling, having litigated high-stakes patent cases across the country involving medical

devices, consumer products, media and entertainment, computer hardware and software, internet applications, electronics, telephony and wireless technology, and business methods. IAM Patent 1000 selected Yovits for inclusion in The World's Leading Patent Practitioners, noting that his is "a name for the contact books." He also has been recognized by Managing Intellectual Property magazine as a Global IP Star consecutively from 2015 through 2020.

1999



CORTLAND KELLY GRYNWALD joined the global retained executive search firm Pearson Partners International as vice president. Grynwald worked as a practicing attorney for more than six years, beginning with Lowndes, Drosdick, Doster, Kantor & Reed, in Orlando, Fla., where she gained diverse experience in land use, commercial real estate leasing, commercial and real estate litigation, bankruptcy, creditors' rights and commercial loan workout matters. She later joined Carrington, Coleman, Sloman & Blumenthal in Dallas, focusing on bankruptcy and commercial litigation. At Pearson Partners, also in Dallas, Grynwald specializes in law firm leadership, general counsels, risk and compliance.

MATTHEW S. PETERSEN, former chairman of the Federal Election Commission, joined Holtzman Vogel Josefiak Torchinsky

as a partner in Washington, D.C.

Petersen—who was appointed to the FEC by President George W. Bush with unanimous confirmation by the U.S. Senate—resigned from the FEC in 2019, after serving on the commission for 11 years. Petersen is an expert in election law and a "champion of free speech," his firm noted.

2000

DEBORAH L. BOARDMAN was appointed as a U.S. magistrate judge in the U.S. District Court for the District of Maryland. Born and raised in Maryland, Boardman was an associate at Hogan & Hartson (now Hogan Lovells) in Washington, D.C., where she practiced complex commercial litigation. She had an active pro bono practice and was selected to serve as the senior associate in Hogan's pro bono department. In 2008, Boardman joined the Federal Public Defender's Office for the District of Maryland. In 2015, she was named the first assistant federal public defender. During her 11-year tenure with the office, Boardman represented individuals charged with federal crimes in the Greenbelt and Baltimore courthouses.

DAVID F. GIEG joined Buist Byars & Taylor as a real estate attorney and partner. Based in the Mount Pleasant, S.C., office, Gieg's practice is focused on commercial real estate acquisition, divestiture, financing, development and leasing, including transaction structuring.

FRANCESCA UGOLINI was promoted to chief of the Department of Justice, Tax Division, Appellate Section, where she's worked since 2002.

The section of about 30 attorneys handles all federal civil tax appeals in the federal circuit courts.

2001

ANDREW S. BOUTROS joined Dechert in the firm's Chicago and Washington, D.C., offices, where he serves as regional chair of the U.S. white-collar practice. Boutros' second book, "From Baksheesh to Bribery: Understanding the Global Fight Against Corruption and Graft," was published in 2019 by Oxford University Press. He was recently profiled by the Corporate Crime Reporter for his experiences handling corporate fraud cases, and teaching, writing and speaking about the subject.

ERIC T. MICHENER was elected partner with Critchfield, Critchfield & Johnston in Wooster, Ohio. Michener is a member of the litigation practice group and the employment law practice group, and chair of the construction law practice group. To date he has conducted over 40 jury trials in the course of his career and litigated cases that have included everything from breach of contract claims to the defense of Occupational Safety and Health Administration citations.

2002



AFI JOHNSON-PARRIS announced the formation of her firm in January. Johnson-Parris Law serves the needs of Guilford



VETERE '03 NAMED VIDEO GAME TRADE ASSOCIATION GENERAL COUNSEL

GINA VETERE '03 was named vice president and general counsel of the Entertainment Software Association, which represents the U.S. video game industry.

Prior to her hire in September, Vetere was counsel at the international law firm Covington & Burling. She advised clients on the development and implementation of comprehensive global strategies, including coalition building, third-party engagement, and government advocacy and message development to address international trade and regulatory policy priorities.

Based in Washington, D.C., the Entertainment Software Association offers a wide range of services to interactive entertainment software companies, including conducting business and consumer research; providing legal and policy analysis and advocacy on First Amendment, intellectual property and technology issues; managing a global content protection program; owning and operating the Electronic Entertainment Expo, or E3; and representing video game industry interests in federal and state government relations.

"Gina is recognized as a leader in law and policy. We are proud to have one of the brightest legal minds join us," ESA President and CEO Stanley Pierre-Louis said in a statement. "Her wealth of knowledge and diversity of experience will enhance the services and value we provide to our members and the video game industry."

Vetere joined Covington after serving as executive director for international IP at the U.S. Chamber of Commerce's Global Intellectual Property Center, where she also served as co-chair of the U.S. Business Coalition for the Trans-Pacific Partnership's IP working group. Vetere is also a former director for intellectual property and innovation at the Office of the U.S. Trade Representative and senior policy adviser to the deputy U.S. trade representative.

"ESA has a remarkable track record of promoting the innovation and creativity that fuel this dynamic industry and protecting the rights of consumers, developers, artists and storytellers," Vetere said in a statement to Corporate Counsel.

—Mike Fox



HEINEKEN USA HIRES KURI '03 AS CHIEF LEGAL OFFICER

Heineken USA hired **J. CARLOS KURI '03** in December as senior vice president and chief legal officer to lead the company's legal and regulatory teams.

"[Kuri] brings experience with three-tier distribution, a history of supporting and protecting beloved global brands and a passion for innovation," the company said in statement. "This background, coupled with his leadership experience sets him up to be a strong contributor to our company."

He previously worked as senior vice president and general counsel for Red Bull, as well as the first general counsel of the New York Red Bull Major League Soccer franchise. Kuri started at the company as director of legal affairs in 2008.

"There's no such thing as a sports lawyer," Kuri said at a conference in 2017. "There are only lawyers that have sports entities as clients."

—Mike Fox

a senior assistant attorney general in the Oregon Department of Justice and litigated civil matters as an attorney at an international law firm in Washington, D.C. While working for the justice department, she negotiated an agreement that made Oregon one of the first states in the country to cover transgender health care services for its employees.

USHA RODRIGUES is the M.E. Kilpatrick Professor of Law at the University of Georgia School of Law, specializing in corporate governance and contract law. She was recently honored to be named a tenured professor by UGA. Rodrigues lives in Athens with her husband, Nathan Flath (Commerce '97), and their three children.

BILL SINCLAIR chairs the civil litigation group at Silverman Thompson Slutkin White. **KATHLEEN "KATE" HANLON SINCLAIR** balances part-time work for the same firm with providing care for their sons, Teddy, 11, and Robbie, 4. She is a member of the Maryland State Bar Association's Law Assistance Program governing committee. LAP provides substance abuse and mental health services to Maryland legal professionals.

2003

VALERIE M. NANNERY joined the American Constitution Society as director of network advancement. As director of the State Attorneys General Project, Nannery works with the ACS team to develop and disseminate legal resources and host programming and events examining the actions of the state attorneys general and

the emerging legal and policy issues they face.

2004



Professor **ALLISON ORR LARSEN** received the American Academy of Appellate Lawyers Eisenberg Prize for her article "The Amicus Machine," co-authored with her William & Mary Law School colleague Neal Devins. The article appeared in the Virginia Law Review in 2016. This was the second year in a row that AAAL has recognized Larsen's scholarship. She previously was awarded the Eisenberg Prize for her 2014 Virginia Law Review article, "The Trouble with Amicus Facts."

According to a new story from William & Mary Law School, the article is "based on the authors' interviews with more than two dozen Supreme Court advocates, [and] delineates the well-orchestrated process that is increasingly behind many of the amicus curiae briefs submitted to the court each term." The article explores in detail the forces that fuel and sustain the contemporary "amicus machine" and concludes that, for the most part, its benefits to the modern court outweigh its drawbacks.

DEBORAH "CARLY" MILNER joined Fogler Brar in Houston as a partner.

2006

TIFFANY GRAVES was featured in the

September-October issue of the ABA Journal in an article, "Close to Home." Now pro bono counsel for Bradley Arant Boult Cummings in Jackson, Miss., Graves began her career at the Mississippi Center for Justice, supported by a competitive fellowship. She went on to run the Mississippi Volunteer Lawyers Project, where she launched the state's first online legal help portal, and the University of Mississippi School of Law's Pro Bono Initiative, where she helped enact a state supreme court rule allowing law students the limited ability to practice in pro bono clinics, the article explains. In 2014, she became executive director of the state supreme court's Mississippi Access to Justice Commission.

Graves joined Bradley in 2018 when the firm essentially created the pro bono counsel position for her, said **DYLAN BLACK '97**, a partner and chair of the firm's pro bono committee. In this role, Graves coordinates more than 500 lawyers in 10 offices across six states and Washington, D.C., who help tackle the justice gap. In her first year, the firm reported that total pro bono hours increased 39% and the number of attorneys completing more than 20 pro bono hours a year rose 69%.



CONNIE MALEK wrote a piece published in one of Jamaica's national newspapers: "What Bob Marley's 'One Love' Can Teach Us About the Climate Catastrophe in the Bahamas." Though spurred by Hurricane Dorian's devastating impact on the Bahamas, the feature also

addresses the effects of climate change around the world. A native of Jamaica, Malek turned to Bob Marley's unifying music and lyrics for comfort during the storm.

After going directly into corporate in-house practice for 10 years after law school, Malek took the helm as executive director of True Costs Initiative, an organization based in Boston. The organization promotes corporate accountability and strong legal systems in the Global South to protect vulnerable communities from the costs of environmental and human rights harms. Malek said she enjoys merging her corporate law expertise with her passion to protect people and the environment.



FRANKLIN D. ROSENBLATT joined Butler Snow's Ridgeland, Miss., office, and practices with the firm's commercial litigation group. Rosenblatt retired as a lieutenant colonel with more than 12 years of experience serving in the U.S. Army Judge Advocate General's Corps as a prosecutor, legal adviser and defense attorney. As a prosecutor, he tried dozens of international, financial and violent crimes cases to verdict. Additionally, Rosenblatt successfully prosecuted four terrorism suspects in the Iraqi court system of Kirkuk. As a defense attorney from 2014 to 2018, Rosenblatt served as lead military defense counsel for the highly publicized court-martial of Sgt. Bowe Bergdahl.

2007



AUSTIN CURRY of the Dallas firm Caldwell Cassidy & Curry was selected to the 2019 rising stars list of the country's top lawyers under the age of 40 by Law360. The outlet detailed Curry's key role for client VirnetX in the company's long-running patent infringement litigation against Apple Inc. Overall, Curry and the firm have won four different trials against Apple totaling more than \$1 billion in verdicts in favor of VirnetX. Those awards include a \$502.6 million jury verdict handed down in the U.S. District Court for the Eastern District of Texas last year.

2008



DANIEL ALLISON was promoted to partner at Sidley Austin. Allison is an energy lawyer in the Houston office, where he focuses on commer-

cial lending and other complex finance and energy transactions involving exploration and production, and pipeline and oilfield services companies.

OLIVIA CHUNG relocated to the Singapore office of Akin Gump Strauss Hauer & Feld. Chung continues to practice in the area of alternative investment management.



JOSEPH M. ESMONT was elected partner with BakerHostetler in Cleveland. Esmont litigates complex commercial, mass tort and fraud cases, especially in the energy, utilities and financial services industries; restructures troubled companies; protects clients from struggling business partners; and advises on transactions with distressed firms.



MATTHEW D. FENDER was elected partner with

McGuireWoods. Fender is a trial lawyer and commercial litigator who represents clients in contract disputes and insurance coverage matters, as well as real estate litigation, from the firm's Richmond, Va., office.



ELI MILLER was promoted to partner at Akin Gump Strauss Hauer & Feld in New York City. Miller focuses on mergers and acquisitions, and related banking and securities law matters for public and private companies, including private equity funds and portfolio companies.

MARK ZARUBA was promoted to partner with Williams Mullen in Richmond, Va. Zaruba represents clients with respect to securities, regulatory compliance, mergers and acquisitions, and corporate governance matters, with a particular focus on Regulation D private placement offerings, private equity fund formation and financing transactions for early-stage companies.



ALEX PATTERSON '07 (center, in black shirt) founder of Beat the Bomb, which combines aspects of paint ball and escape room concepts, stands next to **PATRICK ASHBY '07** (immediate right), counsel at Linklaters. Ashby brought 28 attorneys from the New York and Washington, D.C., litigation offices of Linklaters out to Beat the Bomb in Brooklyn's Dumbo neighborhood for an office team-building event. Beat the Bomb had a busy 2019—having been filmed for a segment on "Today" and by Thrillist for a Capital One ad, and having hosted its Corporate Paint Blast Challenge. The immersive experience has one objective: Teams work together to disarm a paint bomb (users wear hazmat suits) before time runs out on the clock. Patterson has an answer for when people ask him how he went from law to eventually creating Beat the Bomb: "I remind them that all law is 100% made up out of thin air as well! Plus, it's rules and penalties, like our immersive video game and paint bomb!" He plans to expand the concept to D.C. this summer.

2009



MARISSA R. BOYNTON was promoted to counsel with Latham & Watkins in Washington, D.C. As a member of the litigation and trial department, Boynton practices in the areas of data privacy, cybersecurity and data breach response, white-collar defense and consumer protection. She has litigation, investigations and counseling experience in matters involving computer fraud and cybercrime, privacy and data security compliance, and program management, representing clients in the consumer, health care, retail, professional services and technology sectors.



BRIDGET MAYER BRIGGS was elected partner in Blank Rome's Philadelphia office. Briggs concentrates her practice on corporate, white-collar and class-action defense litigation, notably counseling clients on Racketeer Influenced and Corrupt Organizations Act matters, Bank Secrecy Act compliance, the False Claims Act, the Foreign Corrupt Practices Act, collateralized debt obligations, government contracts, civil and criminal forfeiture, breach of contract, fraud and business torts. Briggs serves on the board of directors for the Homeless Advocacy Project and is an active member of Blank Rome's recruiting committee.

ALLISON (DAVIS) KNERR was elected partner with Dinsmore in Cincinnati. Knerr's work includes claims of breach of contract, breach of license agreement, negligence and fraud. She has also represented companies on matters related to regulatory requirements under the Clean Water Act and the Clean Air Act.

BRADLEY T. GIORDANO joined McDermott Will & Emery's restructuring and insolvency group as a partner, based in Chicago. Giordano represents debtors, lender groups, creditors, equity sponsors and strategic investors in all aspects of in-court and out-of-court restructurings. He also advises senior managers and boards of directors on operating in Chapter 11, fiduciary duty considerations and strategic restructuring alternatives. In addition, Giordano counsels credit and private equity fund clients in connection with strategic acquisitions or dispositions of distressed assets.

President Donald J. Trump nominated **JOHN CHASE JOHNSON** of Oklahoma to be inspector general at the Federal Communications Commission. Johnson is an associate at Covington & Burling, where he practices in the commercial litigation and government contracts groups. He also serves as a major and military judge in the U.S. Marine Corps Forces Reserve. Before joining Covington, Johnson served on active duty in the Marines and deployed to Afghanistan. He clerked for U.S. Judge Edith Clement of the Fifth Circuit and Judge **VICTOR WOLSKI '91** of the U.S. Court of Federal Claims.



JOSHUA W. MARNITZ was promoted to counsel with Latham & Watkins in Los Angeles. Marnitz is a member of the environment, land and resources department. His practice focuses on complex corporate and finance transactions in the oil and gas, power, renewable energy, manufacturing and real estate sectors. He advises private equity firms, financial institutions and corporate clients on environmental and energy regulatory matters. He also has experience with the development and financing of major conventional and renewable energy and infrastructure projects in the U.S. and abroad.

KRISTIN SHEPPE is of counsel with Wescott Law in their Plymouth, N.H., office. Sheppe focuses her practice on estate planning and probate administration.

CRAIG SMITH was elected partner with Wiley Rein in Washington, D.C. Smith counsels and represents government contractors and subcontractors on a broad range of government contracting issues, including bid protests, contract claims and disputes, and suspension and debarment matters, as well as government and internal audits and investigations.



CHRISTINE BESTOR TOWNSEND was elected shareholder in Ogletree Deakins' Milwaukee

County, N.C., residents with family law issues ranging from divorce and property division, to custody and adoptions. Johnson-Parris is a board-certified specialist in family law and currently serves as the chair of the family law section for the

North Carolina Bar Association.

JACQUELINE "JACKIE" KAMINS was appointed to the Oregon Court of Appeals by Gov. Kate Brown. Kamins, an attorney with Markowitz Herbold in Portland, previously served as

office. Townsend focuses her practice on proactively assisting employers in complying with state and federal employment laws, navigating complex leave and accommodation situations, and handling personnel issues. She works closely with employers to create policies and practices that satisfy both the employer's business needs and the law.

JAMILA JUSTINE WILLIS, a New York-based partner in the restructuring practice of DLA Piper, was named to the Crain's New York Business 2020 Notable Women in Law list. The award is an honor given to 100 "dedicated, gifted and determined female lawyers" in the New York City metropolitan area who are also "ferocious in their commitment to public service and pro bono causes."

Willis was also named a 2019 Rising Star by the New York Law Journal as part of its annual Professional Excellence Awards. The publication's editors describe the award as recognition for the "region's most promising lawyers" under 40.

Earlier in her career, Willis worked in Geneva as a human rights attorney for an international anti-torture organization, and she continues to work pro bono on behalf of global human rights organizations and local New York-based nonprofits.

Willis focuses her practice on financial and corporate restructuring, and has extensive experience in complex restructurings across industries.

2010

MARY BALTHROP was named a member at Sherrard Roe

Voigt & Harbison in Nashville, Tenn. Balthrop's practice areas include real estate and commercial lending, and corporate and nonprofit organizations. Balthrop previously served as secretary and general counsel at the Dallas Museum of Art, where she was part of the museum's leadership team. Before that, she was an associate in the commercial real estate group of the Dallas office of Baker Botts.



KYLE P. BRINKMAN was elected partner in Blank Rome's Washington, D.C., office. Brinkman represents corporate policyholders or their directors and officers in complex insurance coverage matters, from risk and coverage analysis to advocacy, dispute resolution, litigation and appeals. Additionally, Brinkman advises on insurance issues in corporate bankruptcies and first-party coverage for high-value accidental and theft losses. He also is actively engaged and committed to pro bono service to individual clients and nonprofit organizations.



TYLER BROWN was promoted to partner with Latham & Watkins in Washington, D.C., as a member of the finance department. Brown focuses his energy regulatory and markets practice on administrative litigation, regulatory and transactional work regarding financings,

acquisitions and other transactions, and regulatory compliance in the energy industry. He advises on matters involving electric generation, transmission and distribution; energy storage; and natural gas and oil transportation, analyzing the myriad issues under federal and state statutes that affect the energy industry.

ANDY HOWLETT and **JESSICA BROWN** were pleased to welcome their son, Henry Hotspur Howlett, on July 19. Henry joins older sister Anne Elliot, 4, in looking forward to the 10-year reunion!



CLARE M. LEWIS was elected partner with McGuireWoods in Charlottesville. Lewis represents venture capital and private equity investors and emerging growth and middle-market companies in mergers and acquisitions, equity financings, corporate governance and fund formation.



MICHAEL MENSSSEN is now a partner with Stoeel Rives in Salt Lake City. An attorney in the litigation group, Menssen has broad experience in a wide variety of complex corporate litigation matters, including class actions, contract disputes, securities litigation, trade secrets and business torts. He also has significant experience in labor and

employment matters, including wage and hour, discrimination, sexual harassment and wrongful termination cases.

Menssen has been listed as a rising star in Mountain States Super Lawyers and recognized as Up & Coming in Utah's Legal Elite by Utah Business magazine.

ANDREW H. SAUDER is counsel with Potter Anderson & Corroon in Wilmington, Del. Sauder, a member of the corporate group, focuses his practice on corporate and commercial litigation in Delaware's state and federal courts, including the Court of Chancery.

EHSAN TABESH was elected partner in the Houston office of Fisher Phillips. Tabesh represents energy, health care and technology companies, specializing in complex, high-stakes business and employment disputes, including trade secret theft, unfair competition, corporate espionage and executive termination matters.

2011

JOE BAILEY was elected partner at Perkins Coie in Portland, Ore. Bailey's practice focuses on corporate finance and mergers and acquisitions for companies at all stages of the growth cycle, ranging from startups to large public companies.

ALEXA BELONICK was promoted to partner with Morrison & Foerster. Located in San Francisco, Belonick is part of the corporate finance/capital markets group and advises public and private

companies and their management teams on a range of corporate and securities transactional matters, including financings and mergers and acquisitions, as well as on public reporting, compliance and corporate governance.

BRANDON MOSS was elected partner with Wiley Rein in Washington, D.C. Moss defends companies and their executives in complex civil and criminal cases involving alleged health care fraud, the False Claims Act, whistleblower allegations, the Foreign Corrupt Practices Act, antitrust, regulatory violations, and contract and procurement fraud.

TYLER ROBINSON was promoted to counsel with Vinson & Elkins in Washington, D.C. Robinson counsels and represents government contractors and subcontractors regarding bid protests, contract claims and disputes, subcontracting issues, contract and regulatory compliance matters, government and internal investigations, and suspension and debarment proceedings.



BRIAN K. ROCK was promoted to counsel with Latham & Watkins in New York City. Rock, a member of the finance department, represents lenders and borrowers on a variety of financing transactions, with emphasis on secured lending and issues arising under Article 9 (secured transactions) and Article 8 (investment securities) of the Uniform

Commercial Code. His practice particularly involves structuring and negotiating an array of debt, collateral and intercreditor documentation.



JENNIFER K. ROY was promoted to partner with Latham & Watkins in San Diego. As a member of the environment, land and resources department, Roy has a diverse practice representing clients in environmental litigation, regulatory matters and transactions. Roy handles energy and infrastructure matters related to power generation and transmission, renewable energy development, water supply projects, land use entitlements and environmental diligence.

CARRIE STANTON was named to the 2019 Class of Up & Coming Lawyers by Virginia Lawyers Weekly. The awards program, which recognizes top attorneys within their first 10 years of practice, named 16 people to the 2019 class. Stanton practices with Williams Mullen in Charlottesville. She represents businesses from a broad range of industries in major corporate transactions, including mergers and acquisitions and capital-raising as well as complex commercial contracts and regulatory compliance. Stanton serves on the executive council for the Virginia Bar Association's Young Lawyers Division and on the American Bar Association Law Practice Division's

Attorney Well-Being Committee. Stanton is a member of the board of directors for the United Way's Thomas Jefferson Area and was a member of Leadership Charlottesville's 2014 class.

2012

CAITLIN M. POE was named to the 2020 North Carolina Rising Stars list for white-collar criminal defense in the North Carolina Super Lawyers. Poe practices with Williams Mullen in Raleigh.

2013



DAVID GOUZOULES joined San Diego-based Seltzer Caplan McMahon Vitek in their litigation department. Gouzoules represents individuals and corporate clients in all manner of disputes, including commercial litigation, government investigations and shareholder causes of action. He has represented clients in securities fraud litigation, derivative lawsuits alleging breach of fiduciary duty, breach of contract matters, Securities and Exchange Commission and Justice Department investigations, property disputes and probate litigation.

WILL HALLIDAY is a shareholder with Odin, Feldman & Pittleman in Reston, Va. As a member of the firm's corporate law practice, Halliday assists clients with a variety of corporate transactions, including mergers and acquisitions

(both buyers and sellers), and equity and debt financings (both companies and investors). He also advises clients on corporate governance, startup and entity formation, and general corporate issues. Halliday has worked with both established and early-stage companies operating in a wide variety of industries, including technology, government contracting, real estate, retailing and financial services.

JOHN SCHILTZ, an associate with Susman Godfrey in Seattle, worked on a patent infringement trial in 2017 that saw his firm's client receive \$64.5 million in a payment issued recently. Schiltz played a key role during that trial, including the direct examination of the firm's technical expert. He was also instrumental in many of the procedural aspects, both during and after trial. It involved a relatively small U.S. company, Green Mountain Glass, whose glass recycling technology was essentially stolen and used without a license by the international conglomerate Ardagh Glass. At trial, the jury found Ardagh willfully infringed Green Mountain's patent on technology that allows the use of lower-quality recycled glass to make new glass—which saves money, energy, and wear and tear on equipment.

2014

JESSICA THOMPSON is practicing with Kluk Farber Law in New York City.

2015

GREG BEKIARIS writes he is excited to join the Los Angeles Dodgers as coordinator of amateur

scouting for the 2020 season. "A huge thank-you goes out to everyone in the UVA Law community who helped make this a possibility."

ARYANA MOHTASHAM-GHARAGOZLOO writes that she, **WIN RUTHERFURD**, **JULIET HATCHETT** and **DANIEL PATTERSON** were in Section D while at the Law School and have been friends ever since. In 2018, Hatchett and Patterson were married, with Rutherford serving as best man and Mohtasham-Gharagozloo as bridesmaid. A few months later, Rutherford and Mohtasham-Gharagozloo married, and Patterson served as a groomsman and Hatchett as a bridesmaid.

2016



HARRISON BEAU BRYANT joined Higgs Fletcher & Mack in San Diego. Bryant's practice focuses on business and commercial law, securities, professional liability, financial services and employment litigation.



MONICA NIEWIAROWSKI joined Bailey Brauer, helping bolster the Dallas-based boutique's complex commercial litigation, trial and appellate practices. Her practice focuses on trade secrets, discrimination, retaliation, wage and hour claims, the Americans with Disabilities Act and regulatory agency

investigations. She is a member of the Dallas Association of Young Lawyers' 2019 Leadership Class.

DYLAN WRIGHT joined Radix Law in Scottsdale, Ariz. Wright practices business law and commercial litigation.

2017



DAVID CROCKETT joined Fisher Phillips as an associate in its Irvine, Calif., office. Crockett defends clients, including telecommunications companies, manufacturers, media companies, hospitals, and rail and air carriers in a variety of labor and employment law matters, including wage-and-hour class actions, discrimination and retaliation claims, and unfair labor practice charges.

2018

LORRAINE SIMONIS moved back to Philadelphia to clerk for the Eastern District of Pennsylvania.

2019



JASON FRUCHTER joined Morris, Nichols, Arsht & Tunnell. Fruchter practices in the firm's corporate counseling group in Wilmington, Del.

FAITH PANG was awarded a Charles F.C. Ruff Fellowship

to join the commercial division of the Office of the Attorney General for the District of Columbia. Attorney General **KARL A. RACINE '89** established the one-year fellowship to promote public interest legal work and give recent law school graduates the opportunity to practice law as assistant attorneys general for the district.

The fellowship program is named in memory of Charles F.C. Ruff, who was the District of Columbia's corporation counsel—the position now known as attorney general—from 1995 to 1997. Ruff served as White House counsel to President Bill Clinton after his service as corporation counsel. Ruff also served as the U.S. attorney for the District of Columbia and taught at area law schools.



ANDREW WORKMAN joined the business reorganization and restructuring group of Delaware law firm Morris, Nichols, Arsht & Tunnell, in Wilmington.

THE SUSPECT
AN OLYMPIC BOMBING, THE FBI,
THE MEDIA, AND RICHARD JEWELL,
THE MAN CAUGHT IN THE MIDDLE
KENT ALEXANDER '83
AND KEVIN SALWEN
ABRAMS PRESS

Kent Alexander '83, former U.S. attorney for the Northern District of Georgia and co-author of a new book on the Richard Jewell case, was in the midst of his federal service when the pipe bomb exploded at the 1996 Summer Olympics in Atlanta, killing two people and wounding 111 others.

Alexander and co-author Kevin Salwen write about the rush to judgment on Jewell, who was a security guard at the games, in "The Suspect: An Olympic Bombing, the FBI, the Media, and Richard Jewell, the Man Caught in the Middle."



Their book was a contributing source for last year's "Richard Jewell" biopic, released by Warner Bros.

Jewell, while walking his beat in Atlanta's Centennial Olympic Park, noticed the bomb in advance of the explosion, saving lives. He was a hero. But he was soon pegged as the culprit. The theory was that he longed to be a hero by setting up a dangerous situation that he could then report on.

Alexander talked to NPR in December about how the FBI and the media, in their push for answers and an arrest, identified the wrong man. He said the use of profiling as an investigative

tool was in its heyday in the 1990s, contributing to a snap judgment based on a profiler's four-page report.

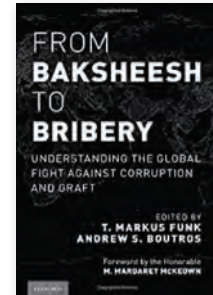
"I think that one thing that this whole Richard Jewell case will help with in law enforcement and elsewhere is making people stop and think," he said. "And it's not just a description. It's not just a caricature at the end of an investigation. It's always a human being."

Following the unofficial naming of Jewell as a person of interest by reporters, Alexander personally delivered the letter to Jewell stating he was "not considered a target" of the federal criminal investigation.

Alexander told the ABA Journal that it was "the most difficult letter to write in my career" because of the many audiences who would read the letter, including some members of law enforcement who still believed Jewell's actions were suspect.

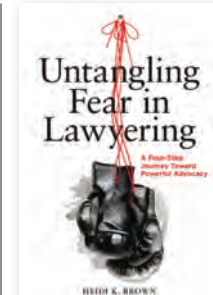
Alexander's co-author, Salwen, is a former Wall Street Journal reporter and editor who oversaw the paper's coverage of the bombing. The book is the culmination of five years of research in addition to their personal experiences.

—Eric Williamson



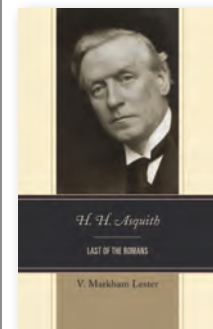
FROM BAKSHEESH TO BRIBERY
UNDERSTANDING THE GLOBAL FIGHT AGAINST CORRUPTION AND GRAFT
EDITED BY
T. MARKUS FUNK
ANDREW S. BOUTROS '01 AND
T. MARKUS FUNK
Foreword by the Honorable
H. MARGARET HICKOWY
OXFORD UNIVERSITY PRESS

Worldwide, governmental anti-corruption efforts have been ramping up. From the U.S. Foreign Corrupt Practices Act to the U.K. Bribery Act and other anti-bribery legislation, the fight against corruption has rocketed to the top of most law reform and enforcement agendas. In this environment, practitioners of the compliance, regulatory and investigative space must understand and navigate increasingly complicated and often perilous compliance waters. This first-of-its-kind book draws on the real-world experiences and expertise of some of the world's leading anti-corruption and anti-bribery practitioners to offer comprehensive guidance for practitioners, in-house counsel, compliance personnel, academics and others.



UNTANGLING FEAR IN LAWYERING
A Four-Step Journey Toward Powerful Advocacy
HEIDI K. BROWN '94
AMERICAN BAR ASSOCIATION

"Untangling Fear in Lawyering" discusses the reality, causes, manifestations and consequences of fear in legal education and practice, from the standpoints of law students, junior attorneys and clients. Brown analyzes fear from cognitive, physical and emotional perspectives. The book draws guidance from how other industries address fear and mistake-making in education and training.



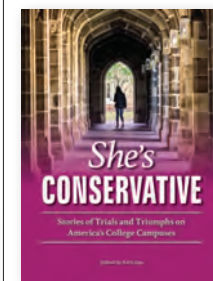
H. H. ASQUITH
Last of the Romans
MARK LESTER '79
LEXINGTON BOOKS

Lester chronicles the life of H. H. Asquith (1852-1928), the longest-serving British prime minister between Lord Liverpool and Margaret Thatcher. In this study, the author argues that the key to understanding Asquith is to recognize the classical virtues he acquired early in his education.

Employing unpublished sources and documents made public since the last full-scale biography of Asquith was published more than 40

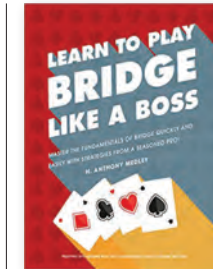
years ago, Lester challenges many interpretations in earlier biographies. By examining Asquith's early career—particularly his tenure as home secretary and his time as a barrister—Lester offers insights into the prime minister's character and development as a political leader.

Though Asquith is often considered a failed leader in World War I, Lester argues that through his lifelong reliance on rational thought, eloquence and self-control, Asquith held the fragile government together as it struggled to handle the unexpected and unprecedented challenges of world war and lay the foundation for ultimate victory.



SHE'S CONSERVATIVE
Stories of Trials and Triumphs on America's College Campuses
EDITED BY **KARIN LIPS '09**
NETWORK OF ENLIGHTENED WOMEN

"She's Conservative" features the essays of 22 conservative women from 17 colleges and universities. The authors share stories of how they have overcome the challenges they faced on campus and why they are conservative. Some began their freshman year ready to take on the prevailing liberal narrative with gusto. Others took some time to come out of their shells. The Network of enlightened Women, known as NeW, promotes itself as the nation's premier organization for conservative university women.



LEARN TO PLAY BRIDGE LIKE A BOSS
Master the Fundamentals of Bridge Quickly and Easily with Strategies from a Seasoned Pro!
H. ANTHONY MEDLEY '65
ALPHA

Bridge can seem like an intimidating game—but it doesn't have to be. Follow the guidance and knowledge of a pro as he takes the reader through the basics of the game. Readers will get lessons on making opening bids, evaluating a hand, responding to a partner's bid, rebidding and overcalling—and even a bonus tear-out sheet to take new strategies on the go.

Medley holds the rank of Silver Life Master, is an American Contract Bridge League Club director, and has won regional and sectional titles.



YOU CAN HAVE IT ALL, JUST NOT AT THE SAME DAMN TIME!
ROMI NEUSTADT '95
PENGUIN/PORTFOLIO

In her second book, Neustadt provides a blueprint for women to figure out what to focus on in life, and what not to. She explains why saying "yes" to everything and everyone really means saying "no" to the things that matter—"to your goals, your dreams and your true self."

The key to achieving

one's wildest dreams, the author argues, isn't to downsize them. It's to embrace them more fully, and discard everything that isn't serving them.



RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER
EDITED BY **JACOB ROOKSBY '07**
EDWARD ELGAR PUBLISHING

Universities everywhere are increasingly being encouraged to translate their research findings into practical applications that will further the common good through technology transfer, a process in which intellectual property laws and systems play a central role. This research handbook places IP issues in technology transfer into their historical and political context, while also exploring and framing the development of these intersecting domains for innovative universities in the present and the future.

Written by leading experts from across the world, this research handbook offers new insights into this area and its practical implications, situating IP and technology transfer within larger dialogues concerning the future of the research university. The book covers timely and controversial topics in the field, including inter partes review proceedings, conflicts of interest, patent enforcement and the public good, 3D printing and university treatment of data.



ROSS'S COMMUNICATIVE DISCOVERIES
Quotes from Literary Fiction on Personal Communications
MICHAEL ROSS '77
RARE BIRD BOOKS

Bibliophile Ross has curated 106 favorite literary quotes from the collection of more than 1,500 well-read books on his shelves—but this isn't your typical rehashing of Bartlett's quotations. Ross introduces each quote with a quip or observation of his own—many from his years of legal practice.

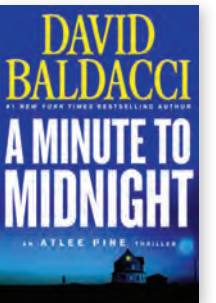


LOOK OUT ABOVE!
The Young Professional's Guide to Success
BOB SLATER '80 AND **NICK SLATER**
BULLDOG VENTURES MEDIA

After college and in the real world, what matters is accomplishment, which, in turn, depends on one's ability to contribute, write, present, pitch ideas, lead and advocate in the manner valued in the workplace, the authors contend.

The guidance and insight provided in "Look Out Above!" is intended for those who are in the first five or so years of their working life after completing college or graduate school. "Whether you're working at a for-profit, a nonprofit or in government, working for others or running your own business,

FICTION



A MINUTE TO MIDNIGHT
DAVID BALDACCIO '86
GRAND CENTRAL PUBLISHING

FBI agent Atlee Pine's life was never the same after her twin sister, Mercy, was kidnapped—and likely killed—30 years ago. After a lifetime of torturous uncertainty, Pine's unresolved anger finally gets the better of her on the job, and she finds she has to deal with the demons of her past if she wants to remain with the FBI.

Pine and her assistant, Carol Blum, head back to Pine's rural hometown in Georgia to see what they can uncover about the traumatic night Mercy was taken and Pine was almost killed. But soon after Pine begins her investigation, a local woman is found ritually murdered, her face covered with a wedding veil—and the first killing is quickly followed by a second bizarre murder.

In a small town full of secrets—some of which could answer the questions that have plagued Pine her entire life—digging deeper into the past could be more dangerous than she realizes.



IN MEMORIAM

KEMPER GOFFIGON III '48
CAPE CHARLES, VA.
Dec. 10, 2019

CARL W. NEWMAN '49
GATE CITY, VA.
Aug. 27, 2019

ELIZABETH G. POOLE '50
WILMINGTON, DEL.
July 29, 2019

WINFREY T. WADE '51
HENRICO, VA.
Jan. 14, 2020

FRANK O. MEADE '54
CHARLESTON, S.C.
Dec. 28, 2019

JOEL B. COOPER '55
NORFOLK, VA.
Nov. 3, 2019

F. C. ROBERT HOLLMANN '55
CHEYENNE, WYO.
Sept. 19, 2019

THOMAS J. MICHIE JR. '56
CHARLOTTESVILLE
Aug. 27, 2019

ZANE DALE CHRISTIAN '57
BLUEFIELD, VA.
Sept. 15, 2019

ALAN A. DIAMONSTEIN '58
NEWPORT NEWS, VA.
Oct. 17, 2019

THEODORE S. TOPALIAN '58
CHANDLER, ARIZ.
Oct. 11, 2019

JOHN A. GOLDEN '59
LONG BRANCH, N.J.
Dec. 1, 2019

LAWRENCE H. HOOVER JR. '59
BRIDGEWATER, VA.
Sept. 6, 2019

DAVID C. CLOVIS '60
CLARKSBURG, W.VA.
Dec. 23, 2019

CHARLES B. HUGHES '60
SPRINGFIELD, VA.
Oct. 8, 2019

RICHARD W. DORTCH '61
JACKSON, MISS.
Sept. 18, 2019

KENNETH L. GREIF '61
BALTIMORE
Aug. 20, 2019

HOYT N. WHEELER '61
WEST COLUMBIA, S.C.
July 25, 2019

CLIFFORD B. HEARN JR. '62
MIDDLETOWN, DEL.
Sept. 8, 2019

JOHN B. BARTLETT '63
WASHINGTON, D.C.
July 17, 2019

LEWIS H. GOLDMAN '65
ROCKVILLE, MD.
Aug. 9, 2019

JESSE B. GROVE III '66
SCOTTSDALE, VA.
Aug. 10, 2019

JOHN J. KIRBY JR. '66
STAMFORD, CONN.
Oct. 2, 2019

MICHAEL M. UHLMANN '66
CLAREMONT, CALIF.
Oct. 8, 2019

GERALD L. BALILES '67
CHARLOTTESVILLE
Oct. 29, 2019

W. DONALD KNIGHT JR. '67
ATLANTA
Sept. 24, 2019

THOMAS H. ROSE JR. '67
STONY CREEK, VA.
Oct. 19, 2019

ROBERT A. WILLIAMS '69
MARTINSVILLE, VA.
Aug. 19, 2019

ROBERT S. BOZARTH '70
RICHMOND, VA.
Nov. 26, 2019

RICHARD M. BAUMEISTER '71
INLET, N.Y.
Oct. 27, 2019

JOHN Y. PEARSON JR. '71
NORFOLK, VA.
Sept. 12, 2019

JAMES Q. BLOMGREN '72
OSKALOOSA, IOWA
Sept. 25, 2019

HARRY E. FISHER '72
TROY, N.C.
Dec. 26, 2019

TODD M. SLOAN '72
COEUR D'ALENE, IDAHO
Sept. 27, 2019

J. MICHAEL EIKENBERRY '74
WESTMINSTER, COLO.
Sept. 16, 2019

WILLIAM R. SEITZ '74
SOUTHAMPTON, ENGLAND
June 14, 2019

KENNETH A. HINDMAN '75
CHARLOTTESVILLE
Nov. 29, 2019

DANIEL HOROWITZ '75
ARLINGTON, VA.
Aug. 11, 2019

ALEXIS ANDERSON '78
NEWTON, MASS.
Sept. 20, 2019

HENRY P. DEYERLE JR. '78
GROTTOES, VA.
Aug. 9, 2019

PETER HENRY GOULD '79
CHEVY CHASE, MD.
Sept. 21, 2019

BARBARA E. DONLEY '83
SOUTH LYON, MICH.
Sept. 29, 2019

BARBARA WURTZEL RABIN '86
BOSTON
Sept. 22, 2019

JOHN T. RACANELLI LL.M. '86
SAN FRANCISCO
Oct. 12, 2017

ROBERT I. BERDON LL.M. '88
BRANFORD, CONN.
Oct. 31, 2019

PHILIP L. DE CAMARA III '93
YARDLEY, PA.
Aug. 12, 2019

LUCAS MATTHEW HORNER '08
JAMESTOWN, N.C.
Dec. 7, 2019

JOHN SEBASTIAN MIKULSKY '10
APEX, N.C.
Dec. 31, 2019

ZACHARY ROBERT BRUCE CROFT '14
HOUSTON
July 22, 2019

K. JAY GALLOWAY '15
PALMYRA, VA.
Aug. 8, 2019

RIHANA DANIELLE SCHIRO '16
GREAT FALLS, VA.
Aug. 1, 2019

RALPH C. CATALANO '19
HUNTINGTON STATION, N.Y.
Dec. 14, 2019

Julia Smith Gibbons '75

JUDGE, U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT

DESCRIBE YOUR JOB and what you like about it.

My favorite thing about both the District Court and the Court of Appeals is the subject-matter variety among the cases we handle. Even after 37 years of being a federal judge, I see new things all the time. Judges have the privilege and challenge of being among the last generalists in the law.

When did you first aspire to become a judge, and why?

I really did not “aspire” to be a judge. To my surprise and the surprise of everyone else in the Memphis legal community, I became a state trial judge in 1981 when I was 30. I was hardly presumptuous enough to have a judgeship as a goal at that point. The following year I was elected to a full eight-year term, and a year later I became a federal district judge. It turned out that I was well-suited for the judicial role, which seemed natural to me from the very beginning.

How have things changed for women since you first ran for trial judge?

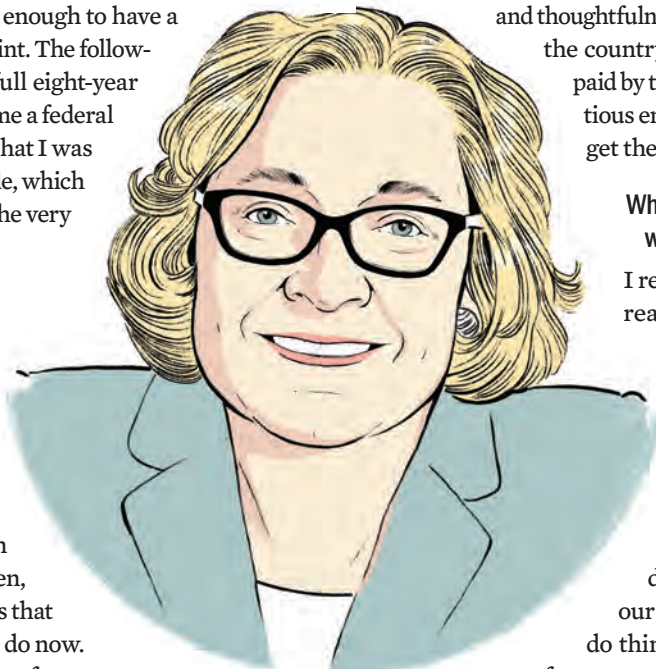
There are lots more women judges now, and they have been very successful in elections. A woman candidate was an anomaly in 1981. But to be successful then, you had to do the same things that winning judicial candidates do now.

Of course, there are now far more women in the profession generally. That’s a really good thing. Opportunities exist that were available only infrequently or not at all for women when I started my legal career.

There are still challenges, many centering around the difficulty of combining a very demanding career and a family life. But I doubt that women today feel the heavy burden of paving the way for other women. I knew that it was critical for me to demonstrate that women could do a job well that previously only men had done.

Describe your path to the appellate court.

By chance, I had worked in a prior job with Fred Thompson, who was Tennessee’s senior United States senator at the time a vacancy arose. He became my advocate with President George W. Bush, who nominated me. Fortunately, my record as a trial judge meant that I was broadly acceptable to senators across the political spectrum, and I was confirmed without controversy.



What has federal service taught you?

It’s a real privilege to serve in the federal judicial system. I have enormous respect for the integrity, intelligence, and thoughtfulness of judicial colleagues across the country. I’m mindful, too, that I am paid by the taxpayers and am conscientious enough to try to make sure they get their money’s worth.

What more would you do if there were 25 hours in a day?

I read a lot, but I would probably read even more with an extra hour a day.

Are you optimistic about the future of our democracy?

I am a believer in the institutions that protect our democracy. So yes, I believe our democracy is enduring. But I do think our country would benefit from a renewed, broad-based effort to educate each individual about government and the lessons of history—not just our own but worldwide. In the end, it is individuals who bear the responsibility for the protection of our democratic institutions and our freedom. It will be much easier to do the job if we, collectively and individually, have a clear-eyed and informed view of the necessity of the task. The federal judiciary and many state judiciaries are playing a role in civics education, but there is plenty for everyone to do.

You have the last word. What do you want to say?

As I age, I am full of gratitude for so many things. Putting aside the personal, which is certainly a big part of my gratitude, I am grateful for the education I received at Vanderbilt University and the University of Virginia School of Law. I am also deeply grateful for the opportunity to have a judicial career which has allowed me to serve the public and has endlessly challenged and engaged me.

ILLUSTRATION/ALEX FINE





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580 Massie Road
Charlottesville, Virginia
22903-1738

VOICE: 434.924.3466

TOLL-FREE: 877.307.0158

FAX: 434.296.4838



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