

## INTERNATIONAL LAW AND NATIONAL SECURITY AT UVA LAW

**S**TUDENTS' EDUCATIONAL, extracurricular and career options to expand their borders are plentiful.

UVA Law is one of a small group of leading academic institutions worldwide invited annually to submit candidates for the International Court of Justice Traineeship Program, which takes place at the court's seat in The Hague, Netherlands. (The selected clerk receives a fellowship for travel and living expenses from the Law School.) Students have routinely been chosen as Salzburg Cutler Fellows, a national program designed to expose participants to emerging issues in international law and develop their expertise in the field. And Law School programs such as the Monroe Leigh Fel-

lowship in International Law and Public Interest Law Association summer fellowships also fund opportunities for students to work abroad.

Students compete each year in the Jean-Pictet International Humanitarian Law Competition and the Philip C. Jessup International Law Moot Court competition. They have also participated in the Clara Barton International Humanitarian Law Competition, the International and European Tax Moot Court competition, and annual workshops at the Law School co-sponsored by the American Red Cross.

The Law School is headquarters for the Center for National Security Law and the Center for Oceans Law and Policy, led by Professor John Norton Moore.

Students can choose to study abroad for a semester through the school's international exchange program, which offers eight locations at universities in Germany, Spain, Australia, South Korea, Israel, New Zealand, Australia and Japan. A dual-degree option with the Institut d'Etudes Politiques de Paris (Sciences Po) allows students to earn both a J.D. and a master's in economic law. Students can also design their own study abroad or extern program, or just dip a toe in by taking a weeklong January Term course in Paris or Israel.

The J.B. Moore Society and the Virginia Journal of International Law are driving forces in international law activities at the Law School, including as organizers of an annual symposium.



**SAIKRISHNA PRAKASH**

▮ Scholarship focuses on separation of powers, particularly executive powers. Prakash teaches Constitutional Law, Foreign Relations Law and Presidential Powers. ▮ Among Prakash's articles are "The Sweeping Domestic War Powers of Congress," and "The Executive Power Over Foreign Affairs."

▮ Author of "The Imperial from the Beginning: The Constitution of the Original Executive."



**GEORGE RUTHERGLEN**

▮ Is an expert in international civil litigation, admiralty, civil rights and employment

discrimination.

▮ Chaired the advisory committee on Fourth Circuit Rules. ▮ Author of several books on civil rights, civil litigation and employment discrimination, including "Transnational Civil Litigation: Principles and Prospects."



**JOHN K. SETEAR**

▮ Teaches courses in international law, including international environmental law and counterfactual diplomatic history.

▮ Is the author of articles such as "An Iterative Perspective on Treaties: A Synthesis of International Relations Theory and International Law" and "A Forest with No Trees: The Supreme Court and International Law in the 2003 Term."

▮ Was a policy analyst in the behavioral sciences department of the RAND Corp.



**PAUL B. STEPHAN '77**

▮ Worked on a variety of projects involving law reform in former socialist states after the collapse of the Soviet Union, including Russia, Georgia, Ukraine, Albania and Slovakia on behalf of the U.S. Treasury, and in Kazakhstan and Azerbaijan on behalf of the International Monetary Fund.

▮ Helped win case against Russian government's seizure of an oil company.

▮ Is the coordinating reporter on the Fourth Restatement, providing guidance on foreign relations law.

▮ Has taught extensively abroad.



**PIERRE-HUGUES VERDIER**

▮ Writes on the international regulation of banking and securities markets, the law of foreign state immunity, and the application of international law in domestic courts around the world.

▮ Author of the forthcoming book, "Global Banks on Trial: How Prosecutors, Lawyers and Judges are Remaking International Finance."

▮ Is a graduate of McGill University's unique joint civil law and common law program; also holds a master's and a doctorate from Harvard Law School.

▮ Is one of five Canadians to be awarded the Diploma of the Hague Academy of International Law since 1950.



**MILA VERSTEEG**

▮ Has written on the constitutions of nations, including the declining influence of the U.S. Constitution, and her scholarship uses innovative applications of empirical research.

▮ Director of UVA Law's Human Rights Program. ▮ Worked at the U.N. Interregional Crime and Justice Research Institute in Turin and at the Southern Africa Litigation Centre in Johannesburg.

▮ Obtained her B.A. and first law degree from Tilburg University, an LL.M. from Harvard Law School and a D.Phil. in socio-legal studies from Oxford University.



**STEVEN D. WALT**

▮ An expert in contracts, sales/commercial paper, legal philosophy, bankruptcy and secured transactions.

▮ Co-author of popular casebooks "Secured Transactions in Personal Property," "Payments and Credits," and "Sales Law: Domestic and International," and co-author of the treatise "The UN Convention on Contracts for the International Sale of Goods: Theory and Practice."

▮ Teaches courses on international business topics.

# FACULTY

**JOHN F. DUFFY**  
HELPS BRING  
**'FORUM SHOPPING'**  
CASE TO THE  
U.S. SUPREME COURT

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# SPRING 2017 FACULTY NEWS

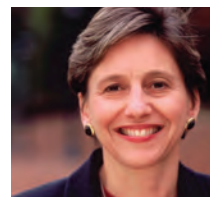


**KENNETH S. ABRAHAM** has been deeply involved as an adviser in the final stages of the American Law Institute's "Restatement of the Law of Liability Insurance," and has been serving his last six months as a member of the Council of the ALI. In April, the fifth edition of "The Forms and Functions of Tort Law" will be published.



**KERRY ABRAMS** presented a new paper, "Family Reunification and the Security State" at the annual Association of American Law Schools meeting in San Francisco. The paper, which traces the history of the relationship between individual rights claims to family reunification and federal power over immigration, will be published later this year in *Constitutional Commentary*. Abrams also published an op-ed in *Slate* with **BRANDON L. GARRETT** ("The Five Ways Trump's Muslim Ban Violates the Constitution") and co-authored amicus briefs in challenges to the immigration ban this winter and spring. She also wrote a review for *Jotwell.com* titled "Flirting with Federal Family Law." Her article "Domicile Dis-mantled," co-authored with UVA Law graduate **KATHRYN BARBER '15**, is due to be published in the *Indiana Law Journal* this spring. She continues to serve as vice provost for faculty

affairs for the University. In February, she presented a paper, "Exclusion, Inclusion, and the Administrative State," at a Duke Law Journal administrative law symposium.



**BARBARA ARMACOST '89** has published two pieces: "Sanctuary Laws: The New Immigration Federalism," published in the *Michigan State Law Review*, argues that the so called "sanctuary policies" that have been adopted by more than 300 state and local jurisdictions are designed not—as critics allege—to harbor illegal immigrants, but to resist attempts to co-opt local participation in immigration enforcement. The resistance is a state- and local-inspired reaction to the serious, if unintended, consequences of localized immigration policing. The article contends that threats to crack down on these policies ignore the wisdom and insight that states and localities offer in formulating workable immigration policies. The second article, "The Organizational Reasons Police Don't Change," in the *Harvard Business Review*, argues that police reform efforts fail because police departments blame rogue cops. Organizational culture, legal rules impeding police learning from deadly errors and institutional racism are rarely, if ever, addressed. Armacost also is scheduled to participate in the Nootbaar Conference at Pepperdine Law School, "Religious Critiques of Law," in March 2017.



## JOHN F. DUFFY HELPS BRING 'FORUM SHOPPING' CASE TO U.S. SUPREME COURT

The U.S. Supreme Court heard on March 27 a case being litigated by **JOHN F. DUFFY** that could change where patent infringement cases may be heard. The case, *TC Heartland LLC v. Kraft Food Brands Group LLC*, could substantially curtail so-called "forum shopping," the practice that allows plaintiffs to file lawsuits in courts viewed as favorable to their case.

Duffy and a team of lawyers representing TC Heartland argued that, under a 1957 precedent of the Supreme Court, patent venue is controlled by a specific federal statute that limits the districts in which a patent infringement suit can be brought.

In a March 11, 2016, argument before the U.S. Court of Appeals for the Federal Circuit, Duffy said the Federal Circuit should follow the approach set forth in the Supreme Court's 1957 decision. The court rejected Duffy's argument and reaffirmed its own precedent, which permits venue wherever a federal court would have personal jurisdiction over a defendant company, not just where the company is headquartered or has a regular place of business. The justices will now mull how the federal patent venue statute should be interpreted.

Dell Inc., the American Bankers Association, 56 law and economics professors, and Paul R. Michel '66, a retired chief judge of the Federal Circuit who presided over numerous influential patent law decisions, were among those who submitted briefs of amici in support of Heartland's petition.

Duffy has long been influential in important patent cases. In 2007, he was co-counsel for the prevailing petitioner in the Supreme Court case *KSR v. Teleflex*, the first Supreme Court case in decades on the standard of patentability. In 2008, the U.S. Court of Appeals for the Federal Circuit invited him to present oral argument in an important en banc case, *In re Bilski*, concerning whether novel business methods could be patented.

He is the Samuel H. McCoy II Professor of Law, and the Elizabeth D. and Richard A. Merrill Professor of Law at UVA.

—Eric Williamson



**ADITYA BAMZAI** published "The Origins of Judicial Deference to Executive Interpretation" in the *Yale Law Journal*; "Marbury v. Madison and the Concept of Judicial Deference" in the *Missouri Law Review*; and "A Trespass Framework for the Crime of Hacking" (with Josh Goldfoot) in the *George Washington University Law Review*. He presented papers at Columbia Law School and at the Hoover Institution at Stanford University in March, and at the American Bar Association's annual Administrative Law Conference in Washington, D.C., in December.



For the past decade, **RICHARD BONNIE '69** has been a member of the MacArthur Foundation Research Network on Law and Neuroscience and has collaborated with other network members studying a variety of subjects at the intersection of law and neuroscience, including what happens in the brain when people make decisions about punishment and the relation between adolescent brain development, maturity and culpability. Papers on these topics have recently been published in the *Journal of Neuroscience* ("Behavioral Mechanisms of Third-Party Punishment"), *Developmental Cognitive Neuroscience* ("At Risk of Being Risky: The Relationship between

Age under Emotional States and Risk Preference") and *Psychological Science* ("When Does an Adolescent Become and Adult? Assessing Cognitive Control in Emotional and Non-Emotional Contexts").

In recent months, Bonnie has devoted his energy to chairing an FDA-funded study for the National Academies of Science, Engineering and Medicine on the opioid epidemic. The report is expected in July 2017. He also continues to chair the Virginia General Assembly's Expert Advisory Panel on Mental Health Services in the 21st Century.

Among Bonnie's presentations were lectures on the ethics of tobacco control for the Tobacco Center of Regulatory Science at Pennsylvania State University on Nov. 1, adolescent development and juvenile justice at the University of Cape Town on March 6, mental health policy at the Virginia Festival of the Book on March 26, brain death determinations at the Annual Meeting of the American Academy of Neurology in Boston on April 25, and criminal justice policies toward young adults on April 28 in Washington, D.C. Bonnie also published a paper in the *New England Journal of Medicine* reporting positive outcomes in a five-site National Institutes of Health-funded study using a long-acting opioid antagonist (naltrexone) in a population of 300 previously addicted heroin addicts under criminal justice supervision in the community. This study arose out of Bonnie's decade-long collaboration with addiction specialists aiming to facilitate use of evidence-based treatments for addicted offenders in the criminal justice system.



**MICHAL BARZUZA** presented "Nevada: What We Know and What We Do Not Know (Yet)" (co-authored with David Smith), at the UCLA School of Law conference "Can Delaware Be Dethroned? Evaluating Delaware's Dominance of Corporate Law" in February. She has a publication forthcoming in the *Journal of Legal Studies*, "Board Interlocks and Outside Directors' Protections," with **QUINN CURTIS**. In November she presented her work at the Berkeley Law & Economics Workshop, and the Law, Economics & Organization Workshop/Bert W. Wasserman Workshop in Law and Finance at Yale Law School. In March 2016 she presented at the Harvard Law and Economics Seminar.



**MAUREEN BRADY** made several presentations this winter and early spring. In November, she presented two works in Charlottesville: a paper on the history of property demarcation, at the Law School's Legal History Writing Group; and the article "The Failure of America's First City Plan," at a conference co-organized by the UVA Law and Architecture schools to honor the life and work of Jane Jacobs. Brady has also been presenting a new work in progress, "The Damagings Clause," which explores state constitutional

eminent domain law as a broader alternative to the federal takings clause. In January, she presented this project during the Association of American Law Schools annual meeting in San Francisco on a panel composed of five promising pre-tenure property scholars from around the country, as selected by members of the AALS Section on Property Law. In March, she presented it at the Notre Dame Law School faculty colloquium.

Brady's latest article, "Property's Ceiling," published in the *Virginia Law Review* in September, was recently reviewed in the American Bar Association's *Probate & Property* magazine and highlighted as one of the most-downloaded articles of 2016 by Land Use Prof Blog. Brady was appointed to the American Society for Legal History Program Committee this year, which involves reviewing and selecting panels for the society's annual conference.



**STEPHEN BRAGA** reported that two students from the Appellate Litigation Clinic (all from the Class of 2017), Erin Galliher and Brennan Curtis, presented oral argument before the Fourth Circuit on Dec. 8 on behalf of clinic client Calvin Garrett Gray, in *Gray v. Ballard*. Gray is attempting to challenge his murder conviction in West Virginia on federal habeas corpus grounds arising from tainted blood evidence presented at that state trial. The appeal was heard before a panel composed of Fourth



## ALBERT CHOI NAMED EDITOR OF AMERICAN LAW AND ECONOMICS REVIEW

**ALBERT CHOI** was recently named one of two top editors of the *American Law and Economics Review*.

Published twice a year by Oxford University Press on behalf of the American Law and Economics Association, the publication is a highly respected peer-reviewed academic journal. Choi will co-edit with J.J. Prescott of the University of Michigan Law School.

Choi is the Albert C. BeVier Research Professor of Law at UVA. His expertise includes contracts, corporations, corporate finance, and mergers and acquisitions. He is a frequent presenter at the annual meeting of the American Law and Economics Association, one of the most prestigious honors in the field.

From 2011 to 2014, he served as a director on the American Law and Economics Association's board. He previously served as an associate editor of the review.

—Eric Williamson

Circuit judges William Byrd Traxler, Henry Franklin Floyd and Stephanie Thacker. The students presented their arguments very ably, Braga said, and fortunately they did not have the pressure of continuing the clinic's "winning streak" from last year in the Fourth Circuit because Braga had ended that streak by losing the case of *Holloman v. Markowski* earlier in the semester (in what the professor calls "a painful, but simultaneously wonderful, teaching moment"). On Feb. 8, the panel decided that Gray's habeas claims were untimely.

On March 16, the clinic broke new ground with its first argument in the U.S. Court of Appeals for the Third Circuit. Clinic students Ajani Brown and Brandon Christensen presented oral arguments in the case *Lin v. Rohm & Haas*. Clinic client Mandy Lin is seeking reversal of a trial court ruling against her claims that her former employer, Rohm & Haas, took retaliatory actions against her because of her pursuit of Equal Employment Opportunity Commission charges and other protected activity against the company. The argument was vigorously contested with both student counsel and opposing counsel hitting hard with their respective versions of the facts—a heavyweight fight appropriate for the city of "Rocky," Braga said. The Third Circuit's decision in *Lin* is still pending as well.

As of this writing, the Appellate Litigation Clinic has three additional appeals briefed and awaiting arguments in the Third, Fourth and Sixth circuits. Those cases involve, respectively: the constitutionality of a Virgin Islands statute requiring nonresident

plaintiffs to post costs in order to pursue civil litigation in that island's courts; a prisoner's First Amendment right to file a grievance over prison conditions without being retaliated against for doing so; and direct appellate challenges to the integrity of a potentially coerced jury's return of federal white-collar criminal convictions for federal program fraud.

Braga also gave a presentation to the national Innocence Project Network Conference on March 25 in San Diego, on the topic "Legal, Investigative and Public Advocacy Efforts in High-Profile Wrongful Convictions."



**GEORGE COHEN** gave a presentation to the Office of the Attorney General of Virginia, Education Section, at its annual conference in Richmond on Nov. 4. His topic was "Ethical Considerations for Virginia Public University Counsel." Additionally, Cohen is scheduled to participate in a symposium on Justice Benjamin Cardozo at Touro Law School on March 23; his talk focuses on Cardozo and contract law.



In November, **ASHLEY DEEKS** spoke at the Law School's Board of Visitors and Council lunch about the Obama administration's legacy in the international war powers area. The American Journal of Interna-



## JONATHAN CANNON NAMED TO BOARD OF ENVIRONMENTAL LAW INSTITUTE

**JONATHAN CANNON** has been named to a three-year term on the board of the Environmental Law Institute.

The nonprofit think tank convenes experts from diverse backgrounds to analyze complex environmental challenges, disseminates recommendations on environmental topics and helps train future environmental law leaders.

The institute is based in Washington, D.C., but is non-partisan and doesn't lobby. ELI's lack of political agenda is "an important feature, particularly in this age, when environmental issues seem to be so polarized politically," Cannon said. "It's good to have this kind of forum where people can come together on neutral ground and talk about issues, support research and analysis, and if not come to perfect agreement, at least see each other's point of view, and develop common strategies."

The group specializes in producing research publications and sponsoring forums that target legal practitioners, environmental organizations, and others, such as business leaders, whose decisions affect the environment both in the U.S. and abroad.

Cannon, who directs the Law School's Environmental and Land Use Law Program, joined the UVA Law faculty in 1998 from the Environmental Protection Agency, where he was general counsel (1995-98) and assistant administrator for administration and resources management (1992-95).

He is currently the Blaine T. Phillips Distinguished Professor of Environmental Law and the Hunton & Williams Professor of Law at UVA. His most recent book is "Environment in the Balance: The Green Movement and the Supreme Court."

—Eric Williamson

tional Law is publishing an essay of hers on the topic in early 2017. In March she spoke at the American Society of International Law's annual meeting on the role and challenges of consent to the use of force in international law. Deeks presented a draft paper on secret international agreements at a conference at the Arizona State University Law School and a workshop at Harvard Law School. She continued to serve on the State Department Advisory Committee on International Law, where she most recently provided commentary on aiding and abetting violations of international law.



**MICHAEL DORAN** is publishing two articles in the spring, "Uncapping Executive Pay" in the Southern California Law Review and "The Puzzle of Non-Qualified Retirement Pay" in the Tax Law Review.



In November, **KIMBERLY KESSLER FERZAN** participated in a workshop on self-defense and war at the University of San Diego, where she presented "Desert and Defense," which will be published in a symposium issue of the San Diego Law Review. In February, Ferzan presented a chapter of her forthcoming book, "Reflections on Crime and Culpability," at the Duke Law School faculty workshop. In March, Ferzan

participated in a self-defense workshop hosted by the University of Delaware Philosophy Department. She also participated in the conference "Crime Without Fault: The Justifiability of Public Welfare Offenses and the Responsible Corporate Officer Doctrine" at the Georgetown Institute for the Study of Markets and Ethics. The papers from this conference will be published in Criminal Law and Philosophy.

In April, Ferzan will be attending the American Philosophical Association Pacific Division's annual meeting. There, she will present a paper, "Why We May Prevent Optimific and Deontological Wrongs." (She claims that you may wake up a man sleeping on the trolley tracks, even if five other workers will be killed further down the line because he is not there.) She will also serve as a commentator on Patrick Tomlin's Berger Prize-winning paper on retributivism and the harm principle. Finally, she will moderate a Society for Applied Philosophy panel on political violence and authority.



**BRANDON GARRETT** is the Law School's principal investigator for a grant awarded in December 2016 to a team of UVA researchers by the Laura & John Arnold Foundation to study eyewitness memory over three years. The project will include eyewitness memory research, studies of how jurors evaluate eyewitness evidence, statistical work and meta-analysis of studies. Garrett continues work as co-prin-

cipal investigator for UVA Law's participation in the CSAFE NIST Forensic Science Center of Excellence, which involves collaboration with statisticians, psychologists and forensic scientists.

Garrett gave talks in China about his book "Convicting the Innocent: Where Criminal Prosecutions Go Wrong" and his more recent research on wrongful convictions, as part of a series of events organized by the U.S.-Asia Law Institute at NYU School of Law. He spoke at the East China University of Political Science and Law in Shanghai on Dec. 19, at the Southwest University for Nationalities in Chengdu on Dec. 17, and at the China University of Political Science and Law in Beijing on Dec. 15, as well as at law firms in China.

Garrett moderated a webinar about corporate prosecutions for the American Bar Association on Jan. 11. He spoke at Arizona State University on Feb. 11 about his essay, "Actual Innocence and Wrongful Convictions," which will be published as a chapter in a book by the new Academy for Justice. The book includes contributions by a number of UVA faculty. He spoke about a work in progress, "The Public Interest in Corporate Settlements," at the UCLA School of Law on March 23, and then about his book "Too Big to Jail: How Prosecutors Compromise with Corporations" at a corporate law breakfast at UCLA Law on March 24. He spoke on a panel about large-scale forensic audits and cognitive evidence at the Innocence Network Conference in San Diego on March 25. Garrett gave a speech about the law and science of eyewitness memory at the Virginia Trial Lawyers Associa-

tion meeting on April 1.

Garrett recently published an essay, "Constitutional Regulation of Forensic Evidence," in the Washington & Lee Law Review and a second essay, "Forensics and Fallibility: Comparing the Views of Lawyers and Jurors," in West Virginia Law Review, co-authored with **GREG MITCHELL**.

A book chapter, "The Rise of Corporate Prosecutions in America," was published in "Lei Anticorrupção," a book edited by Jorge Munhós, describing anti-corruption law in Brazil. An essay, "Causes of Wrongful Convictions and the Significance of the Innocence Movement," was just translated and published in Japan in Ritsumeikan Ningen Kagaku Kenkyu. A short article for defense lawyers, "Defending Against Wrongful Convictions," was also just translated and published in Japan in the Quarterly Keiji-Bengo. Garrett published an additional short piece, "The Changing Face of Corporate Prosecutions," in The Champion.

Garrett contributed a chapter, "In the Shadow of the Death Penalty," to a recent U.N. report, "Death Penalty and the Victims," including information from his forthcoming death penalty book.

Garrett drafted all or portions of three recent amicus briefs, relating to habeas corpus, false confessions and monitorships of deferred prosecution agreements, respectively: on behalf of the Innocence Project and NACDL in *U.S. v. Russo* (Second Circuit); for the Juvenile Law Center, Wicklander-Zulaski & Assoc. Inc. and Garrett in *Dassey v. Dittmann* (Seventh Circuit); and in support of the appellee in *HSBC v. Moore* (Second Circuit). An additional amicus brief filed in



## RISA GOLUBOFF'S 'VAGRANT NATION' A FINALIST FOR ABA SILVER GAVEL AWARD

**DEAN RISA GOLUBOFF'S** book "Vagrant Nation: Police Power, Constitutional Change and the Making of the 1960s," is a finalist for an American Bar Association Silver Gavel Award.

The awards recognize books, documentaries, TV shows, newspapers and other media for outstanding efforts to foster public understanding of law.

Published in 2016 by Oxford University Press, "Vagrant Nation" explores how and why vagrancy laws that had been on the books for hundreds of years rapidly collapsed in the span of two decades, during a time of massive social changes.

Vagrancy laws "were used for hundreds of years to regulate, arrest, surveil [and] control all kinds of people who didn't fit in in different ways," Goluboff said when her book was published. "In part, police turned to vagrancy laws when it was hard to arrest people for other things."

In the course of writing her book, Goluboff created a database of 1,000 vagrancy cases that revealed a steady march toward courts restraining police power. In 1972 the Supreme Court unanimously struck down vagrancy laws through *Papachristou v. City of Jacksonville*.

"We often think of constitutional change as starting at the Supreme Court—we hear about the court's arguments and the court's opinions, but that's not where constitutional cases start," Goluboff said. "They start in everyday life, when people decide that a law is unjust or an arrest is unjust, or some interaction that they've had seems wrong to them and they think there's a legal problem, and ultimately a constitutional problem."

Goluboff's competition for the award includes former UVA Law professor Michael Klarman, who is nominated for his book, "The Framers' Coup: The Making of the United States Constitution."

—Mary Wood

February on behalf of a large group of scientists and scientific evidence experts describes the use of tool-mark testimony in the case of *State v. Genrich*.

Garrett's recent short commentaries include "Severe Mental Illness and Virginia's Death Penalty," Richmond Times-Dispatch, Dec. 2; "The Public Interest in Corporate Monitorships: The HSBC Case," Oxford Business Law Blog, Nov. 16; "SEC Boss Mary Jo White Should Be Stepping Up, Not Down," Marketwatch, Nov. 15; "Holding Companies, Not Just Individuals, Liable for Corporate Crime," OECD Insights, Oct. 28; and "Calls for Limits on 'Flawed Science' in Courtrooms Well-Founded," Washington Post True Crime Blog, Sept. 20.

Garrett gave several talks, including at the Oxford Centre for Criminology about his new book project, "End of its Rope," studying the death penalty decline, on Oct. 10; about corporate crime at the Institute Des Hautes Etudes Sur la Justice in Paris on Oct. 13; and about wrongful conviction research with visiting scholars from China, Japan and Korea at the U.S.-Asia Law Institute at the NYU School of Law on Oct. 26.



In November, **MICHAEL GILBERT** and his co-author, **BRIAN BARNES '16**, published a paper titled "The Coordination Fallacy" in the Florida State University Law Review. That paper resulted from a conference at FSU on election law. Gilbert's paper "Entrenchment, Incrementalism, and Constitutional Collapse" was

accepted for publication by the Virginia Law Review. Gilbert presented another paper—"Entrenchment: The Problem of Constitutionalism"—twice in the spring, first at the University of California, Berkeley, and then at George Mason University. He spoke at a conference organized by the Virginia Coalition for Open Government, and he debated the 17th Amendment at a Federalist Society event. In the spring he is teaching a new course, Public Law and Economics, for which he is writing a textbook.



**RACHEL HARMON** published her article "Why Arrest?" in the Michigan Law Review in December; the article has been selected as a "must read" by the National Association of Criminal Defense Lawyers. Her policy essay "Police Consent Decrees: Evaluating and Improving Structural Reform in Police Departments" is forthcoming in the journal *Criminology and Public Policy*.

In October, Harmon gave faculty workshops at St. John's University Law School and American University Law School on her paper "Lawful Orders and Police Uses of Force." She also recently gave three talks to major city police chiefs and other law enforcement executives at the National Executive Institute: "A Socio-Legal Model of Police/Citizen Interaction," "Harm-Efficient Policing" and "Accountability and the Police Chief." She gave a talk at the 2016 Villanova Law Review Norman J. Shachoy Symposium, "Exploring Police Accountability in America,"

also titled "Accountability and the Police Chief." In January, Harmon spoke at the Association of American Law Schools annual meeting in San Francisco for the panel "The Challenge of Crime in a Free Society"—Fifty Years Later." Her paper was "Policing—Wickersham, the Challenge of Crime Report." Later that month, Harmon gave a talk to the Charlottesville community on contemporary legal issues in governing the police.

She continues to serve on the National Research Council's Committee on Proactive Policing, and as an associate reporter for the American Law Institute's Principles of the Law, Policing project.

She presented the paper "Legal Remedies for Police Misconduct" at the Academy for Justice, Criminal Justice Reform Conference held at Arizona State University on Feb. 10. The paper will be published as part of a comprehensive report on criminal justice reform.



**ANDREW HAYASHI** presented his paper "The Effects of Refund Anticipation Loans on Tax Filing and Compliance" at the National Tax Association Annual Meeting and the Conference on Empirical Legal Studies. The paper shows that the regulation of tax refund loans caused taxpayers to substitute into alternative financial products and reduced the use of paid tax preparers and reduced the number of returns claiming the earned income tax credit. He presented his paper "A Theory of Facts and Circumstances" at Duke Law School, the Wash-



## LESLIE KENDRICK PRESENTS ARGUMENTS IN *STINNIE*

On Feb. 2, **LESLIE KENDRICK '06** was among those who gave arguments in *Stinnie et al. v. Holcomb*, the case that challenged Virginia's policy of suspending licenses of individuals who are willing, but unable, to pay their court fines and expenses.

She presented the case at the federal courthouse in Charlottesville. The lawsuit was brought by the Legal Aid Justice Center and the law firm McGuireWoods. They, with a large support team, led the constitutional complaint on behalf of four clients, including Damian Stinnie, a 24-year-old suspended driver who has lymphoma and fell behind on his debts.

Kendrick, who also worked on the case in the briefing stages, argued that the automatic suspension policy, a statewide practice since 1994, deprives individuals' rights of due process and equal protection. The state argued that recent measures enacted by the state legislature make the lawsuit moot.

Looking on during the arguments were UVA Law students who facilitated the action, as well as students in an unrelated class taught by Professor **DEBORAH HELLMAN**, and other well-wishers.

Kendrick is the Albert Clark Tate, Jr., Professor of Law at UVA. Her research focuses primarily on freedom of expression, and she teaches courses in torts, property and constitutional law. (For more about the case, see p. 9.)

—Eric Williamson

ington University School of Law, the University of Nevada-Las Vegas William S. Boyd School of Law and the University of Virginia invitational tax conference.



**DEBORAH HELLMAN** published "Two Concepts of Discrimination" in the Virginia Law Review in the fall of 2016. Professor Kenneth Simons of the University of California, Irvine School of Law published a reply to the piece, to which Hellman responded (both responses appeared in the Virginia Law Review online). In addition, Hellman's article was selected in January by Jotwell. Another Hellman article, "A Theory of Bribery," was accepted by the Cardozo Law Review for publication in mid-2017. Hellman also published a short piece called "Resurrecting the Neglected Liberty of Self-Government" in the Pennsylvania Law Review's online edition as part of a symposium aimed to spark conversation in advance of the Demos Money in Politics Legal Convening in May 2016 at the University of Pennsylvania.

Hellman has traveled to present her work. She attended a conference on discrimination at Hebrew University in Israel in December 2016, where she presented a paper on "The Epistemic Commitments of Anti-Discrimination Law." While in Jerusalem, she also gave a graduate seminar on discrimination to students at both Hebrew University and the Free University of Berlin (who participated remotely). She attended a conference in March

2016 on the theory of indirect discrimination at Oxford University, where she presented her paper "Indirect Discrimination and the Duty to Avoid Compounding Injustice." This paper is due to come out in an edited volume sometime in 2017. She also presented "Resurrecting the Neglected Liberty of Self-Government" at both the Demos/Penn Law School event and at the Brennan Center for Justice at NYU School of Law in June 2016. The Korean translation of Hellman's 2008 book "When is Discrimination Wrong?" was released in 2016.

Lastly, Hellman joined the board of trustees of the Campaign Legal Center.



**JASON JOHNSTON** presented "High Cost, Little Compensation, No Harm to Deter: New Evidence on Class Actions under Federal Consumer Protection Statutes" at the Harvard Law School Law and Economics Workshop in February 2017. In November, Johnston was a commentator on Susan Dudley and George Peacock's "Regulatory Science and Policy" at the Searle Civil Justice Institute Roundtable on Judicial Review of Regulatory Evidence at Antonin Scalia Law School, George Mason University. In January at the American Association of Law Schools annual meeting, he organized and chaired a panel, "The Law and Economics of Regulatory Complexity," featuring Marcus Cole of Stanford Law School, Steven

Davis of the University of Chicago Booth School of Business, and Richard Epstein of NYU School of Law.



**DOUGLAS LAYCOCK** delivered the keynote address at the November conference "Restoring Religious Freedom: Law, Religion, Equality, and Dignity," at the Emory Center for the Study of Law and Religion. In January, he spoke on "Is Peaceful Coexistence Possible?" at a conference on "Faith, Sexuality, and the Meaning of Freedom," at Yale Law School. In March, he was scheduled to speak on "Religious Liberty After the United States Commission on Civil Rights Report" at the Federalist Society National Student Symposium at Columbia University Law School, and on "Equity and Remedies" at the "Intellectual Property, Private Law, and the Supreme Court" conference at George Washington University Law School, co-sponsored by the Harvard and George Washington University law schools; and teach a class on the *Burwell v. Hobby Lobby Stores, Inc.* case in a Columbia University seminar, Corporations and the Constitution. In April he will receive the first James Madison Award for lifetime commitment to religious liberty from the Center for Constitutional Studies at Utah Valley University, and deliver the keynote address at the center's "Constitutional Symposium on Religious Liberty." Laycock recently published "Generally Applicable Law and the Free Exercise of Religion," in the Nebraska Law

Review, with Steven T. Collis, and a review of Thomas E. Buckley's "Establishing Religious Freedom: Jefferson's Statute in Virginia," in Theological Studies.



Working with collaborators in the computer science, mathematics and the digital humanities, **MICHAEL A. LIVERMORE** has several projects that apply natural language-processing techniques to the study of law and legal texts. In November, he presented a paper co-authored with Daniel Rockmore (Dartmouth, Mathematics and Computer Science departments) and Keith Carlson (Dartmouth, Computer Science Department) at Duke Law School at the annual Conference on Empirical Legal Studies. That paper examines the texts of published opinions in the U.S. appellate courts to test for a relationship between the party composition of issuing panels and the words found in judicial opinions. Livermore presented a second paper co-authored with Rockmore and several other collaborators that uses computational tools to model and study the practice of legal research, at a conference in February on Law and Complex Systems at the University of Michigan. In March, Livermore presented a paper (co-authored with Vlad Eidelman and Brian Grom) at a faculty workshop at Brooklyn Law School that computationally examines over three million public comments received by federal agencies during the Obama administration. This summer, Livermore will participate in the annual Inter-

national Seminar on the New Institutional Economics, sponsored by the Max Planck Institute for Research on Collective Goods, which will be held in Sicily, Italy. Livermore is also currently working on a project that examines the relationship between civil conflict and environmental cooperation and carrying out research on the origins of partisan polarization of environmental issues in the United States.



**RUTH MASON** accompanied UVA Law's four-person team to the International and European Tax Moot Court in Leuven, Belgium, in March. This is the first time UVA has been invited to compete for one of the 16 spots in the moot.

Following the recent EU Commission decision that Apple owed Ireland over \$14 billion dollars plus interest in back taxes, Mason published the first three parts of a four-part special report on state aid for Tax Notes. The project introduces state aid doctrine to U.S. lawyers, counters claims that the commission unfairly targeted U.S. companies, responds to arguments made by the Treasury Department in its white paper on state aid and analyzes the Apple decision. She presented part four of the series at the University of Luxembourg in March. Writing with Michael Knoll of the University of Pennsylvania Law School, Mason also published "The Economic Foundations of the Dormant Commerce Clause" in the Virginia Law Review. The article explains why the U.S. Supreme Court

endorsed the economic analysis the authors provided in an amicus brief in a recent tax discrimination case, *Wynne v. Comptroller of Maryland*.



**GREG MITCHELL**, with **BRANDON GARRETT**, published "Forensics and Fallibility: Comparing the Views of Lawyers and Jurors" in the West Virginia Law Review. Mitchell and Philip Tetlock (University of Pennsylvania) published "Popularity as a Poor Proxy for Utility: The Case of Implicit Prejudice" in the book "Psychological Science Under Scrutiny: Recent Challenges and Proposed Solutions." During the spring, Mitchell served as a panelist on the topic of implicit bias at the William & Mary Law School, at the 20th Annual Employment Law Workshop for Federal Judges at the NYU School of Law, and at Practising Law Institute's program on Psychological Issues in the Workplace 2017. In conjunction with the PLI event, Mitchell published "An Implicit Bias Primer."



In February, **JOHN MONAHAN** presented a paper on the use of risk assessment in sentencing at the Criminal Justice Reform Conference at the Sandra Day O'Connor College of Law at Arizona State University. In March, he served on a symposium on violence at the annual

meeting of the American Psychology-Law Society in Seattle.

His chapter on the risk assessment of terrorism appeared in "The Handbook of the Criminology of Terrorism," and another (with Jennifer Skeem), on criminal sentencing, appeared in the Annual Review of Clinical Psychology. Articles on various legal and scientific aspects of violence and risk assessment appeared in the peer-reviewed journals Clinical Psychological Sciences, Psychological Medicine, Psychiatric Services, and Law and Human Behavior.



**JOHN NORTON MOORE** is planning for the 41st annual conference of the Center for Oceans Law and Policy (a center which he directs). It will be held May 17-19 in Yogyakarta, Indonesia, and the topic is "The Marine Environment and U.N. Sustainable Development Goal 14 (Life Below Water)." Papers from this conference, which Moore will co-edit, will be published in early 2018. The proceedings volume from COLP's conference in Shanghai, "International Marine Economy: Law and Policy" (edited by M. Nordquist, Moore and R. Long), has just been released and includes an important paper analyzing the implications of the 2016 landmark South China Sea Arbitration Award. Planning is also underway for this summer's Rhodes Academy of Oceans Law and Policy in Rhodes, Greece, which COLP organizes.

The Center for National Security Law, which Moore also directs, held a daylong

conference at the Law School on March 2, "A Region in Turmoil: Conflicts in the Middle East—Law and Policy." A broad range of political, legal and strategic issues associated with the conflicts in Afghanistan, Iraq, Syria, Libya and Yemen were discussed by some of the nation's leading authorities, including keynote speaker Ambassador Ryan Crocker.

CNSL's major annual program, the National Security Law Institute, will take place June 4-16. Now in its 25th year, the institute offers an intensive two-week program of lectures at the Law School. Prominent scholars and current and former government experts will take part in lectures, panels and debates to address both theoretical background and important contemporary issues of national security law.



**THOMAS NACHBAR**, who also serves as a judge advocate in the U.S. Army Reserve, is currently deployed to Iraq, where he serves as legal adviser to Special Operations Joint Task Force-Operation Inherent Resolve (Iraq). As the legal adviser, he provides legal guidance on the full range of legal issues facing a special operations command, including application of the law of armed conflict and human rights law. He also works directly with the Iraqi Special Forces, which have been an integral component in the offensive to re-take Mosul from the Islamic State of Iraq and al-Sham.



**DANIEL R. ORTIZ** and the Supreme Court Litigation Clinic have been representing Jacob Lewis in *Epic Systems Corp. v. Lewis*, a case granted by the Supreme Court and set for argument in the fall. The case asks whether an employer can enforce a contractual provision with individual employees that bars them from pursuing work-related claims on a collective basis in any forum. He has also been finalizing two book chapters on comparative administrative law.



**SAIKRISHNA PRAKASH** discussed his book "Imperial from the Beginning" on the PBS show "American Forum" in February. He presented a paper at the University of Georgia and Emory law schools, participated in a panel on Justice Clarence Thomas at Yale Law School and a panel on the Trump presidency at the American Enterprise Institute, and gave a lecture on the president's power to amend the constitution at the Miller Center. Prakash penned op-eds that appeared in *The Wall Street Journal*, *The Los Angeles Times* and *National Review*. Finally, his paper "Congress and the Reconstruction of Foreign Affairs Federalism," with **RYAN BAASCH '15**, was published in the *Michigan Law Review*.



**MILDRED ROBINSON** presented "FINES: The Folly of Conflating the Power to Fine with the Power to Tax" on Oct. 28 at the Villanova School of Law's Shachoy Symposium, "Exploring Police Accountability in America." Robinson spoke about the folly in conflating the power to fine with the power to tax, and identified ways in which this conflation potentially harms the taxing entity and its ability to govern the city or town with credibility; the "contributor"—both economically and (especially for impoverished individuals) in terms of future civic and financial consequences; and the police, as the ability to protect and to serve is eclipsed by the demands of revenue collection.

At UVA Law's tax invitational conference Nov. 7, Robinson presented "Irreconcilable Differences?: State Income Tax Law in the Shadow of the Internal Revenue Code." The paper explores why state income tax regimes that largely conform to the federal income tax regime are nonetheless less progressive overall than the federal counterpart. She presented an overview of the ways in which states have historically approached the taxation of incomes, current state income tax practices and a comparison of state and federal legislative processes. Robinson concluded with a discussion of what changes in both state and federal processes might portend for conformity going forward.

Robinson also contributed a commentary on *Manufacturers Hanover Trust Company*, as Ex-

ecutor of the Estate of *Charlotte C. Wallace v. United States*, a Second Circuit case from 1985, in the book "Feminist Judgments: Tax," edited by Bridget J. Crawford and Anthony C. Infanti and forthcoming in 2017 from Cambridge University Press. The commentary explores larger tax issues raised by the opinion as rewritten from a feminist perspective.



In December, **GEORGE RUTHERFLEN** published an article on the recent affirmative action case *Fisher v. University of Texas at Austin*, "Fisher II: Whose Burden, What Proof?" Rutherf Glen is currently working on an article on secession, "The Rule of Recognition in Reconstruction," and on a revision of the chapter in his casebook on "Civil Rights Actions" with **JOHN JEFFRIES JR. '73**, **PETER LOW '63**, and Pam Karlan (Stanford Law School) to take into account developments under Title IX on transgender discrimination and university sexual assault policies.



The Italian translation of **FREDERICK SCHAUER'S** "The Force of Law"—"La Forza del Diritto"—was published by Memes Edizioni (Milan) in December. The Italian translation of "Thinking Like a Lawyer"—"Il Ragionamento Giuridico"—was published in November by Carocci Editore

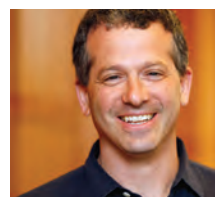
(Bologna).

Schauer gave lectures on "Being a Reason, Having a Reason, and Giving a Reason" at the Faculty of Jurisprudence, University of Genoa, Italy, in December. He gave a lecture on "The Sources of Law" at Sciences Po, Paris, in January. He participated in a discussion of "The Force of Law" at Fordham Law School in February. He presented a paper to the UCLA Law and Philosophy Workshop, and spoke on "Controversies about Campus Speech" at Princeton University, both in March.

Schauer served on the board of electors for the Professorship of Jurisprudence at Oxford University.

Schauer published "Analogy, Expertise, and Experience," with Professor **BARBARA SPELLMAN**, in the University of Chicago Law Review. His chapter "Second-Order Vagueness in Law" was published in "Vagueness in Law: Philosophical and Legal Approaches," by Oxford University Press.

Law and Social Inquiry published a symposium on "The Force of Law," with commentaries by Robert Ellickson, Don Herzog, Janice Nader, Gillian Hadfield, Robin Kar and Daryl Levinson, and responses by Schauer.

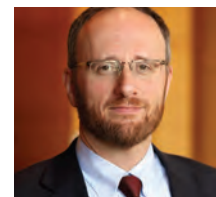


**RICHARD SCHRAGGER'S** new book "City Power: Urban Governance in a Global Age," published by Oxford University Press in 2016, was celebrated at a UVA book panel in November in connection with a joint Law and Architecture conference marking the

centennial of Jane Jacobs' birth. "City Power" was also the subject of a January event at the Fordham Law School organized by the Fordham Urban Law Center. In February, Schragger presented an address on "City Power" at the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation.



**MOLLY BISHOP SHADEL** has filmed a program for The Great Courses called "Law School for Everyone," to be released via DVD and on-demand in the fall of 2017.



**GIL SIEGAL** is slated to deliver a special workshop at the American Bar Association conference in San Francisco in April. The workshop is titled "When 'Yes' Means 'No': Rethinking Informed Consent to Dispute Resolution Procedures."



**A. BENJAMIN SPENCER** recently published "Understanding the Department of Defense's Policy Regarding Transgender Servicemembers" in *The Army Lawyer*. In the article, Spencer explains the new policy, discusses how it should

be applied in various situations, and identifies several challenges that will confront those faced with its implementation. Spencer also spent spring break providing legal support to the U.S. Central Command in his capacity as an officer in the U.S. Army JAG Corps.



**PAUL STEPHAN '77** reported that, in January, the Council of the American Law Institute approved the three parts of the "Restatement (Fourth) of the Foreign Relations Law of the United States," of which Stephan is a coordinating reporter. The drafts will be presented to the membership of the ALI for approval at the annual meeting in May. This will conclude the project authorized by the council in 2011.

Stephan contributed a comment, "Bocher, Gulati and Coase: Making or Buying Sovereignty?" to the *Duke Law Journal* on a lead article by Joseph Blocher and Mitu Gulati.



**PIERRE-HUGUES VERDIER** is currently teaching at Harvard Law School, where he is the Nomura Visiting Professor of International Financial Systems for the spring semester. There, he is teaching a course, International Finance, and a seminar, Empirical Approaches to International Law. In the fall Verdier presented a

paper titled "The United States, International Financial and Monetary Law, and the Rise of China" to a conference on "Chinese and American Perspectives on International Law" at the University of Pennsylvania, and will be attending a follow-up conference in Beijing in May. He also presented a draft paper from his continuing work with UVA Law professor **MILA VERSTEEG** on international law in national legal systems at the annual conference of the International Political Economy Society held at Duke University.



On Feb. 27, **J.H. "RIP" VERKERKE** delivered the 2017 address in the Annual Keynote Speaker Series of the Workplace Law Program at the University of Denver Sturm College of Law. His talk was titled "Rethinking Vicarious Liability for Employee Torts." While at Denver, he also gave a faculty presentation titled "Adventures in Active Learning" at the request of their Modern Learning Committee. The talk provided commentary and data on Verkerke's experiences with both the flipped classroom model of instruction and other active-learning techniques.

On March 3-4, he was an invited participant in a National Science Foundation-funded conference at the American Bar Foundation titled "Legal Education in Crisis? Bringing Researchers and Resources Together to Generate New Scientific Insights." On March 25, Verkerke participated in a conference on "Formative Assessment in Large Classes" at Emory University School of Law



## GEORGE YIN EXPLAINS WHY CONGRESS CAN LEGALLY OBTAIN PRESIDENT'S TAX RETURNS

An op-ed written by **GEORGE YIN** on Congress' legal authority to obtain and release President Donald Trump's tax returns inspired more calls among politicians and the public to make it happen.

When Trump addressed a joint session of Congress on Feb. 28, Yin attended as the guest of Rep. Bill Pascrell of New Jersey. Yin formerly served as chief of staff of the U.S. Congress' Joint Committee on Taxation (2003-05), one of the most influential tax positions in the country.

According to Yin, the law gives the congressional tax committees the authority to obtain and disclose tax returns without the taxpayer's consent so long as the committees have a legitimate purpose, such as to investigate and disclose possible conflicts of interest.

Ever since the businessman-president broke with the common practice of presidents over the last 40 years by refusing to reveal his tax returns, interest in scrutinizing them has run high. A WhiteHouse.gov petition demanding the returns surpassed a million signatures and the issue has come up at many town halls.

Yin described the authority of the tax committees to obtain the returns in a Feb. 7 op-ed for *The Washington Post*. He explained the law in more detail in the Feb. 20 edition of the tax-industry publication *Tax Notes*, and has been featured in a number of media reports on the topic, including NPR.

"With the congressional authority, members of Congress can no longer blame the absence of information solely on the president's intransigence," Yin said. "Those refusing to exercise the authority will need to explain why they too support the same secrecy and oppose the public's right to know."

—Eric Williamson

and sponsored by the Institute for Law Teaching and Learning. Verkerke and Professor **JONATHAN CANNON** also are teaching a new seminar this semester on Conservation Planning and Law (see p. 21). Students in the seminar are engaging with local non-profit organizations such as the Rivanna Trails Foundation and the Piedmont Environmental Council to conduct research and generate ideas for solving conservation problems in the Charlottesville-Albemarle community.



**G. EDWARD WHITE**, with **KENNETH ABRAHAM**, will publish "The Transformation of the Civil Trial and the Emergence of American Tort Law," in the spring issue of the *Arizona Law Review*.

This September, White will give a lecture at a conference in Mexico City commemorating the first centennial of the Mexican Constitution. The lecture is titled "Justices Holmes and Brandeis and the Transformation of American Jurisprudence in the Progressive Era."

## 'DOING TIME' WITH ENDURING CRIMINAL LAW LECTURER **BOB WEINBERG**

With more than 50 consecutive years served, adjunct professor **ROBERT "BOB" WEINBERG** has been cheerfully doing time at the Law School.

Weinberg has taught his Criminal Procedure Seminar every year, either in the fall or spring, since 1965. The seminar is geared toward students who seek to prosecute or defend criminal cases during their careers.

"I've enjoyed the 50 years, and still do," Weinberg said. "It's a great field, a challenging field."

Weinberg's services were highly sought after as a founding partner of the prominent Washington, D.C., law firm Williams & Connolly.

He also ran twice as a U.S. congressional candidate in Virginia's 10th District.

But no matter how busy he was, it was always essential to him to keep teaching. "I feel it's very important to try to improve the law," he said.

In practice, Weinberg specialized in litigating both civil and criminal cases. But "the criminal cases tended to be the more interesting and the more challenging."

Weinberg got two clients off of death row during his career (one was his very first client), and he also was court-appointed counsel for a man accused of a lesser criminal act—grand larceny shoplifting—in *Gaither v. United States*.

*Gaither* was important because it set a precedent.

"They never showed the completed indictment to the grand jury," Weinberg said of the D.C. pre-trial process. "That [omission] was held by the D.C. Circuit to violate the Fifth Amendment guarantee of the defendant's right to a grand jury indictment. It wasn't a valid grand jury indictment if the jury didn't see and approve the final version."

Prosecutors continue to this day to "Gaitherize" their indictments, he said. "After they've gotten the jury to vote, after they've drawn up the completed indictment, they read it to grand jurors, or show it to them."

Weinberg retired from practice in 1996. Even so, he said, it hasn't been hard to keep up with the changes in criminal procedure over time.

"The most important changes are the constitutional changes, in cases such as *Miranda* and *Gideon*,"



he said. "The rules of procedure for litigating cases in court have changed less in the criminal area than the civil area in recent years."

Weinberg describes his seminar as a "nuts-and-bolts" skills course for students who have already had basic instruction in constitutional law and criminal procedure. The situations in the class are simulated, but the students treat the cases as if they were real.

"In this course they have to write an indictment from a hypothetical set of facts," Weinberg said. "They then move to dismiss each other's indictments. And they have to represent an individual defendant, or act as the prosecutor opposing the defense motions. For the last class of the term, they argue the motions they've written."

Weinberg plays the trial judge for the oral arguments.

Among his many career accomplishments, Weinberg was president of both the District of Columbia Bar and the Bar Association of the District of Columbia. The bar association named him Washington Lawyer of the Year in 2000. He also served as president of the American Association of Jewish Lawyers and Jurists, founded by Supreme Court Justice Arthur Goldberg, and is a recipient of the group's 2009 Pursuit of Justice Award.

In law school at Yale University, he was note and comment editor of the *Yale Law Journal*, and a member of Order of the Coif. He also received a Ph.D. from the London School of Economics.

His son Jeremy Weinberg is a 2006 graduate of UVA Law.

"Generations of students, many of whom have gone on to prominent careers as U.S. attorneys and defense attorneys, can thank Bob for their first introduction to the inside workings of federal criminal practice," said Professor **BRANDON GARRETT**, an expert in exonerating the falsely accused who has been a guest speaker in Weinberg's class.

—Eric Williamson

