HOPE AND RESOLVE AFTER THE PROTESTS

SPECIAL COUNSEL ROBERT MUELLER ’73

UVA’S NEW PRESIDENT JAMES E. RYAN ’92
I spent a long time thinking about this message. By nature, UVA Lawyer celebrates the Law School, its people, activities and accomplishments. It is by design uplifting and proud. This issue is all of those things. It is also something else, however, for this moment calls for a more somber accounting as well. Two months ago, white supremacists and neo-Nazis brought hatred to our city and our University. Even though most of us knew before August that the nation's embrace of equality and tolerance remained incomplete, we nonetheless lost some innocence that day.

The events of Aug. 11-12 require a rejoinder, and the Law School and the University are providing one. I have spent much of the fall chairing the University-wide response effort. Here at the Law School, we have held public lectures and panels, town halls and intimate dialogues. Our topics have ranged widely, from civic engagement to civil rights, from free speech to the role of the lawyer in social change. Across these discussions and these topics, we are asking what we can and should do in the future, as a community and a law school, as scholars, teachers, lawyers and leaders.

When I wrote to the Law School community in the immediate aftermath of Aug. 11-12, I resolved that we would recommit our energies toward forging a more perfect union. We would be more dedicated than ever to our shared values of a law school that creates community and intellectual exchange out of a diversity of beliefs, life experiences and professional interests, and to our mission of educating and equipping the next generation of lawyers to promote justice, equality and the rule of law.

That recommitment is precisely what you will see in this issue. None of this is new for us. As so many of the stories here make clear, the Law School has long been a place that nurtures lawyers who step into the breach and do so with clarity and integrity. Fifty years ago, as you will learn, law students began the legal aid efforts that have culminated in the thriving, award-winning Legal Aid Justice Center, and alumnus John Lowe ’67 successfully brought undergraduate coeducation to UVA.

More recently, Robert Mueller ’73 garnered bipartisan praise for precisely the virtues we nurture when appointed special prosecutor this past summer. These virtues are just as apt in describing the many alumni you will read about in the pages that follow—alumni founding new organizations and championing justice, leading major nonprofits, government agencies, and private law firms and companies. Indeed, we are delighted to welcome such leadership back to UVA in the form of our new president, Jim Ryan ’92.

The people who educate these lawyers are themselves leading the way, as scholars, as lawyers, as servants of the profession and the public. You will meet the new additions to our faculty—who are changing the way we think about both the past and the present health of our democracy—and learn about the accomplishments—from publishing books to winning Supreme Court cases to leading initiatives of the National Academies—of those who have been the backbone of our intellectual community.

In other words, this issue of UVA Lawyer exemplifies our rejoinder. In response to a fundamental challenge to the core values of our profession, our University and our community, we have become, and pledge to continue to become, more of ourselves and more of our best selves.
STANDING UP FOR CHARLOTTESVILLE: HOW THE UVA LAW COMMUNITY FACED AUGUST 11–12
HEN ELIZABETH SINES ’19 heard on Aug. 11 that white supremacists were going to march on the Lawn, then saw a group gathering as she drove nearby, she called her roommate, Leanne Chia ’19. Did she want to come? She did. The two UVA Law students quickly found and followed the group of mostly white men on Friday as they marched up the Lawn toward the Rotunda, carrying tiki torches and chanting “Jews will not replace us” and “White lives matter.”

“There were not a lot of other people engaging, it was so intimidating,” Sines said. The marchers “paid us no mind,” she said, as she took out her phone and took on the role of a journalist. They laughed and waved at the camera.

But soon the men would circle around the Rotunda and converge on a hastily assembled group of UVA students and community members surrounding the Thomas Jefferson statue, holding a homemade sign that said, “VA Students Act Against White Supremacy.” (Few students were in town before the start of the semester.) Then the rallying marchers attacked the counterprotesters, beating them with the tiki torches.

“When violence broke out, that’s when it seemed like [the police] moved in, started grabbing people who were running out of the circle, and it looked like some kind of chemical was dispersed, pepper spray or something,” Sines said. “It’s so challenging in those situations to see who’s doing what. Somehow they quelled whatever was happening.”

Sines broadcast the march and its aftermath on Facebook Live, and the video went viral, collecting almost a million views. Chia and Sines have since told their story to The New York Times, MTV and Pantsuit Nation.

Throughout the weekend, Sines, Chia and several other Law School students, alumni, faculty and staff members stepped up to defend their community, their beliefs and the rule of law from a shocking series of events that many considered unthinkable in Charlottesville.

White supremacists and others under the banner of “Unite the Right” gathered from across the nation, organized in response to the proposed removal of the Robert E. Lee statue from the recently renamed Emancipation Park.

Their rally was supposed to start downtown on Saturday at noon, but Friday’s impromptu march enflamed emotions ahead of the event. After more violent skirmishes Saturday morning, police deemed the main assembly in Emancipation Park unlawful, just as it officially began, and dispersed the protesters. Sines and Chia soon euphorically marched down Water Street with a massive group of counterprotesters who had, they thought, taken back Charlottesville.

“We felt so strong and united,” Sines said. “It really did feel like we had won. There was no white activist group in sight.”

In their moment of elation, a Dodge Challenger driven by James Alex Fields came barreling down on them. Local resident Heather Heyer, a counterprotester, was killed, and at least 19 others were injured. (Later in the day, two policemen died when their helicopter suffered mechanical failure and went down.)

Chia and Sines missed being hit by the car by just a few feet. Sines later recalled Chia’s arm pulling her into a doorway, possibly saving her from injury as the car backed up.

“I really thought it was an organized attack,” Chia said. “I thought, ‘Time to run.’”

After the shock faded, and after helping other people on the scene in need, the pair retreated to the home of law student Josh Lefebvre ’19 to begin to process what had happened.

As they told their story, the pair seemed hopeful for the future. They wrote in The New York Times, “We witnessed domestic terrorism in our home. Neither of us regrets attending the rally, and we will keep showing up, every single time it’s necessary.”

FULL STORY: www.law.virginia.edu
Professor Barbara Armacost ’89 served as a legal observer for the National Lawyers Guild on Aug. 12, alongside students Amanda Lindey ’19 and Adele Stichel ’19.

Ben Cohen’s HEAD OF LIBRARY INSTRUCTION AND RESEARCH LIBRARIANS marched with activists.

Lawton Tufts, Director of Public Service and Alumni Advising, aimed to serve as an envoy between activists and the police on Aug. 13, but after police declared the protest an unlawful assembly, he followed supervisors who had dispersed through lines to monitor if they stirred up violence and help vulnerable people in need.

Professor Anne Coughlin and her husband, Mark, drove street medics on Aug. 12.

Assistant Dean and Chief Admissions Officer Corcel Fava ’01 and former Senator Director of Law Firm Recruiting Patrick Hayden JD, MBA ’03 hosted a dinner Aug. 13 for African-American students who were in town, including 1Ls who had just moved to the area. The group of about 15 students talked for hours about their concerns and ideas moving forward.

One of the most moving things I saw on Saturday was the few moments right after the white supremacists were forced out. The counter-protesters sang an Hymn for just a few minutes they held the park. There were shouts of a blind of support up. There was a sense of, ‘Oh, we got this, we just took over the park and drove those out,’ and it was just a moment, of course, because the police cleared them out their tent. But it was a wonderful moment.”

“IT WAS A DAY FILLED WITH TERRORISM. But I’m also taking away just a real sense of gratitude from all the people from Charlottesville and from out of town as well, the police who came downtown to defend the city.”

“As disheartening as the day was, it was still powerful in showing how many allies there are against that hate. Feeling forward hope that our community will continue to remain equal and is trying to bring about equity in Charlottesville and in Virginia and in the country, and it just feels like they took their stand on Aug. 12 and that their work is done. We need to harness the energy in our community obviously for its fights here and think of it as a situation of everyday life and push towards equity for all.”

“At one point we drove past one of the police barracks to see if as close as we could to Market Street—and this was right around the time of the homicide—and a police officer came running up and screamed at us for breaching the barrier. We apologized and explained that we were stopping to see the officer and the officer angrily said, ‘I’m sorry, that’s fine. And on this specific day, I just want to apologize to the officer and said, “We’re an error” and thanked them for their work, and the officer started tearfully.”

“The concerns of the students we had dinner with were the concerns of law students. They were very healthy. I was proud of them for doing the dinner because it made me personally feel that they had put into what happened.”

“The problem with Charlottesville is that it has for fighting Nazis and fascism, it has been a place where white supremacy has increased and has for fighting Nazis and fascism, it has been a place where white supremacy has increased. But it was a very powerful day, of presence at the white supremacy.”

“With everything that happened that weekend, we were not prepared for church on Sunday and work on Monday because how is it exactly what they wanted from us. We contained the flare within our friendships and families while portraying strength and confidence to our co-researchers and colleagues. We will continue to eschew such strength because how will not bring about the prevention, facilitation, support and legislation necessary for change.”

Tim Heaphy ’91 will lead city investigation

Independent Review of the City of Charlottesville’s Response to the Violent Events of August 11 & 12 has been tapped to perform an independent review of the events of August 11 & 12 in Charlottesville. It is crucial that we gather accurate information and attempt to learn from these difficult events. Our review will be thorough and objective, and will begin immediately. I look forward to presenting a comprehensive summary of what occurred in and around the protest events, and to formulating practical recommendations for improved future responses.”
they are as practical as revising policies and as lofty as advancing long-term; they are about physical safety and emotional well-being; We must heal. We must also act. Our tasks ahead are short-term and moment,” Goluboff wrote to the University community.

CHANGES RECOMMENDED
WORKING GROUP REPORT

ON SEPT. 11, the working group released a report analyzing the University’s response to the events of Aug. 11 and recommending policy changes for the future. Goluboff presented the group’s recommendations to the Board of Visitors on Sept. 15, after which board members unanimously passed three resolutions.

University officials frame the outcome shaped by a decades-long history of nonviolent protests on Grounds that led them to approach the march with the assumption that it was constitutionally protected and should be accommodated with minimal police intrusion,” the report said. “On a number of levels—the intelligence evaluation, police backdrop and policy response—the mindset led the University to make judgments that were unaligned to the context and left the University Police Department insufficiently equipped to respond.”

The group recommended declaring the Academical Village a facility—a resolution the board approved—and exploring similar classifications for other spaces across Grounds. Members of the public cannot possess, store or use weapons in areas of the school designated as facilities under current policy. University community members are already not allowed to possess, store or use weapons on Grounds. The working group also said the school should strengthen and enforce the University’s “Open Burn and Open Flame” policy, a step the board also approved. Open flames are not allowed on University property unless that use has been approved by the Office of Environmental Health and Safety or the University of Virginia Medical Center Fire Protection Inspector’s Office, and is conducted in accordance with Virginia state, county and city codes and regulations. The protesters did not receive such permission, but there was no notification or procedures in place to inform University police when open flames were or were not approved. The University Police Department also was not aware that it might have authority to enforce section 423.01 of the Virginia Code, which states “any person who, with the intent of intimidating any person or group of persons, burns an object on a highway or other public place in a manner being a direct tendency to place another person in a reasonable fear of apprehension of death or bodily injury is guilty of a Class 6 felony.”

Goluboff welcomed the opportunity to lead.

“As a member of this community, and also a civil rights historian and legal scholar, I can think of no more important task at this moment,” Goluboff wrote to the University community.

“We must recover from violence, from bigotry, from vulnerability. We must heal. We must also act. Our tasks ahead are short-term and long-term; they are about physical safety and emotional well-being; they are as practical as revising policies and as lofty as advancing long-term; they are about physical safety and emotional well-being; We must heal. We must also act. Our tasks ahead are short-term and moment,” Goluboff wrote to the University community.

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AS A LAW PROFESSOR, I usually explain free speech to my students by talking about when the Nazis tried to march in Skokie, Illinois, in the late 1970s. As many Americans are aware, a great deal of what most would call hate speech is protected by the First Amendment. The Nazis in Skokie are the classic case. In 1977, the National Socialist Party of America proposed to march in this predominantly Jewish community, home to many Holocaust survivors. The ACLU defended their right to wear Nazi uniforms and display swastikas, and courts upheld that right. The Nazis won (though they ultimately decided to march elsewhere).

Until now, I would have said there is no better illustration that the United States has the strongest speech protections in the world. But my new go-to illustration is Charlottesville, summer of 2017. Since the spring, when our city council voted to remove a prominent monument to Robert E. Lee and to rename parks containing the Lee statue and a monument to his fellow Confederate general Stonewall Jackson, Charlottesville has been the site of targeted demonstrations by neo-Nazis, white nationalists and, this past Saturday, by neo-Nazis, white nationalists, and hundreds of angry counter-protestors, a police force tasked with keeping order. Whatever this is about, it isn’t safety.

The Nazis chose Skokie precisely because its residents would find the strength of the First Amendment but also shown its steep cost. The Nazis in Skokie were the classic case. In 1977, the National Socialist Party of America proposed to march in this predominantly Jewish community, home to many Holocaust survivors. The ACLU defended their right to wear Nazi uniforms and display swastikas, and courts upheld that right. The Nazis won (though they ultimately decided to march elsewhere).

As in Skokie, the demonstrations in Charlottesville have proved the strength of the First Amendment but also shown its steep cost. The Nazis chose Skokie precisely because its residents would find their message deeply offensive. Hate groups have targeted Charlottesville precisely because it is a community actively grappling with a thorny Confederate past. Until now, I would have said there is no better illustration that the United States has the strongest speech protections in the world. But my new go-to illustration is Charlottesville, summer of 2017. Since the spring, when our city council voted to remove a prominent monument to Robert E. Lee and to rename parks containing the Lee statue and a monument to his fellow Confederate general Stonewall Jackson, Charlottesville has been the site of targeted demonstrations by neo-Nazis, white nationalists and, this past Saturday, by neo-Nazis, white nationalists, and hundreds of angry counter-protestors, a police force tasked with keeping order. Whatever this is about, it isn’t safety.

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The law offers two reasons to protect free speech, even in the face of social disgust or unrest. First, democracy may require it. After much wrestling, the courts concluded, in cases about socialists and communists, that a person does not have to agree with American values in order to get the protection of the First Amendment. The Constitution protects even those who would try to destroy it, up to the point of a clear and present danger. Otherwise, what we have are not legitimate democratic outcomes but manufactured consensuses. On this view, democracy does not prevail if the Klan is censored. Democracy prevails if the Klan speaks and loses on the merits.

Second, the alternative is letting the government choose who can speak and who cannot. Given the government’s track record—just the McCarthy era and the Red Scare but censorship of abolitionist pamphlets before the Civil War and Southern states’ attempts to shut down press coverage of the civil rights movement—maybe it is not outlandish to think it is better to let the Klan speak than to let the government decide who should. But these reasons have their costs, and those costs are not borne equally. They fall disproportionately on African-American, Jewish, Muslim and other minority members of the community. They are the ones who absorb these very public, very ugly assertions that they are worth less than other Americans.

They are the ones who get the message that these monuments were erected to be —and still are—symbols of white supremacy. When the KKK and neo-Nazis show up to defend “history” in a place with a legacy, like Charlottesville’s, for displacing its black residents, that message could not be clearer.

The fact is that free speech is not free, and we do not split the check evenly.

One thing we must all do is be conscious of these costs. Another is to recognize that, in permitting all viewpoints, the First Amendment puts the responsibility on us to choose what to espouse and what to reject. All views are not equally good. It may be vital to the legitimacy of our system that we have the freedom to choose. It is vital to its survival that we choose wisely.

COURTESY CNN This article was adapted from a July 12 op-ed.
After Charlottesville

New Faculty

Alumni in Nonprofits

“The Perfect Choice: Robert Mueller ’73

A Hero of Coeducation

A Helping Hand After Prison

How Students Opened a Door to Legal Aid

Sizing Up the Supreme Court Term

The Demise of the Death Penalty?

A Professor’s SCOTUS Win

Fulfilling the Mission
“I am appalled at the attempts of white supremacists to instill fear and provoke violence in our community. Let me say with absolute clarity that bigotry is abhorrent, that acts of racial intimidation and violence are criminal, and that white supremacy is a doctrine of terror, meant to insult, frighten, injure and kill. There could be no mistaking those messages this weekend, from Friday night’s march with torches on the Lawn to Saturday’s loss of life and beyond.”

—DEAN RISA GOLUBOFF, in an Aug. 14 message to the UVA Law community

“We should reject the outlandish claim that the meeting ‘borders on treason,’ as former White House ethics lawyer Richard Painter put it. Moreover, it is far from evident that the meeting even violates campaign finance laws, as a number of legal scholars have asserted.”

—PROFESSOR SAKRISHNA PRAKASH, in an op-ed on the Donald Trump Jr. meeting (Vox)

“In my view, the profession can no longer afford to ignore its negative image.”

—BLAKE MORANT ’78, writing about professionalism and the unfavorable stereotypes of lawyers (The Huffington Post)

“We’ve had conversations with allies, and they agree that the idea of imminence can’t just mean right as a weapon is lifting off the launchpad.”

—ASHLEY DEEKS, discussing the legality of a possible attack on North Korea (The New York Times)

“Everybody up here wants to be president of the United States. And the scary thing is everybody up here thinks they’re qualified.”

—SEN. JOHN KENNEDY ’77, sharing various thoughts in a recent profile piece (The New York Times)

“My theme is, if I can do it, I say to the next generation, ‘You can do it and do it better. You have to do it better because the challenges today are far more diverse and far more complex than the greatest generation had.”

—FORMER SEN. JOHN W. WARNER ’53, giving remarks on his career and the future (USA Today)

“[WE SHOULD REMEMBER THAT FACEBOOK AND TWITTER ARE NOT THE GOVERNMENT, that the government has an obligation not to distinguish among people on the basis of viewpoint, which is why the city of Charlottesville is obligated to allow the alt-right to protest. But private entities can make those distinctions. And Facebook and Twitter are doing it, and so is Airbnb.”

—PROFESSOR DEBORAH HELLMAN on Airbnb canceling the bookings of alt-right protesters (NYT)

“The question before the court, however, is a fairly straightforward one: Does a Virginia statute bar Charlottesville from taking down or moving a statue of a Confederate general erected in 1924? There are certainly some ambiguities in the law, but this central question can easily be answered in the negative.”

—PROFESSOR RICHARD SCHRAGGER, in an op-ed arguing that Virginia voters can take down monuments (Richmond Times-Dispatch)

“IN THE 1900S IT WAS RAILROADS, in the 1960s it was highways and now it’s pipelines.”

—PROFESSOR MAUREEN BRAVY, on the next legal frontier for eminent domain law (Reason.com)

“In the view of a Confederate general erected in 1924? There are certainly some ambiguities in the law, but this central question can easily be answered in the negative.”

—PROFESSOR MICHAEL LIVERMORE, addressing climate change and the abandonment of the Paris Accord (Bustle)

“A BAD COMPLIANCE SYSTEM IS ONE THING. But if people knew there were problems and were silenced, that’s much more serious.”

—PROFESSOR BRANDON GARRETT, regarding the Wells Fargo whistle-blower (The New York Times)

“As individuals, once we know we can do something about our implicit biases, despite the fact that they are unintentional and subconscious, then I believe we each, as individuals, have a responsibility to change how our biases influence us.”

—PROFESSOR DAVNA MATTHEW ’87, on the radio program “Jazzed About Work” (WVUR)

“If you’re in your teens or 20s, this is going to be the defining issue of your adulthood. And it’s certainly going to be the defining issue for your kids.”

—PROFESSOR DAYNA MATTHEW ’87, discussing the Charlottesville protest (New York Times)

“Jazzed about Work” (WVUR)
JAMES E. RYAN ’92, a former professor at the University of Virginia School of Law, has been chosen as the next president of the University of Virginia. His term as UVA’s ninth president begins Oct. 1, 2018.

“As I was appointed, I believed deeply in the power of education, and in the power and goodness of this remarkable university,” Ryan said during a Sept. 15 announcement on Grounds that celebrated his hire. He said his experiences in schools and education “literally changed my life.”

The first in his family to attend college, Ryan earned his undergraduate degree summa cum laude at Yale University. He attended UVA Law as a Dillard Scholar and graduated first in his class. Following law school, he clerked for then-Chief Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit and Chief Justice of the United States William Rehnquist before working as a public interest lawyer.

As a professor at UVA Law from 1998-2013, Ryan taught law and education, constitutional law, land use law and local government law, and received several awards for his teaching and scholarship. From 2005-09 he served as academic associate dean, a role now known as the vice dean. He was an instructor of the Supreme Court Litigation Clinic, where he argued Abbott v. United States, and helped establish and was director of the Law School’s Program in Law and Public Service. He has served on the U.S. Department of Education’s Equity and Excellence Commission since 2011.

At Harvard, Ryan focused on increasing the strength and diversity of the graduate school’s faculty, and helped raise the largest gift in school history.

Ryan has written extensively about law and educational opportunity. He also turned the theme of his 2016 graduation speech at the Harvard Graduate School of Education, which received more than 8 million views on Facebook, into a book published this year, “Wait, What? And Life’s Other Essential Questions” (see p. 112). —Mary Wood
KATIE BARBER ’15 TO CLERK FOR U.S. SUPREME COURT JUSTICE RUTH BADER GINSBURG

Katie Barber ’15 called Justice Ruth Bader Ginsburg “a role model,” saying she was “extremely honored” to accept the clerkship. Barber joins a Virginia tradition: Three Virginia graduates—Andrew Ferguson ’12, Nicole Casey ’13 and Kaitlin Pierce ’11—who served as clerks in the U.S. Supreme Court.

N A FEW SHORT MOMENTS, KATIE BARBER ’15 WENT FROM INTERVIEWING to U.S. Court of Appeals for the Fourth Circuit

KATIE BARBER ’15

WENT FROM INTERVIEWING
to U.S. Court of Appeals for the Fourth Circuit

Justice Ginsburg gave me the offer during the interview,” said Barber, who will clerk during the 2018 term. “It was very surreal to walk out of the Supreme Court knowing that I would be coming back to work there in about a year.”

Barber, a Springfield, Virginia, native, recently clerked for Judge John B. Owens of the U.S. Court of Appeals for the Ninth Circuit in San Diego. She previously clerked for Judge Leonie M. Brinkema of the U.S. District Court for the Eastern District of Virginia.

Barber joins a Virginia tradition: Three Virginia graduates—Andrew Ferguson ’12, Nicole Frazer ’13 and Austin Raynor ’13—were clerking for the Supreme Court at the time of Barber’s hiring announcement. Virginia is fourth in contributing the most clerks to the U.S. Supreme Court from 2005-16, after Harvard, Stanford and Yale.

—Mary Wood

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CLERKSHIPS 2017 TEAM

All are members of the Class of 2017 unless otherwise noted.

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FALL 2017 FALL 2017
GRADUATION AWARDS

MARGARET G. WYNNE AWARD
To the graduate whose scholarship, character, personality, activities in the affairs of the school, and promise of efficiency have entitled him or her to special recognition.
ANDREW MANNS
JAMES C. R. HUNTER HONOR AWARD
To an outstanding member of the graduating class.
DANIELLE CHRISTINE DESAUTELLE
THOMAS MORRISON III
HAMILTON PRIDE
To an outstanding and deserving member of the graduating class.
CASSANDRA TROMBLEY-SHAPIRO JONES
Z SOCIETY MUNDAY AWARD
To the graduate with the highest academic record after five semesters.
ANDREW MANNS
L.L.M. GRADUATION AWARD
JACQUELINE JENNIFER BROWNSON
ROBERT E. GOLSTEN AWARD FOR DISTINCTION IN THE CLASSROOM
To the graduate who has contributed the most to classroom education by his or her outstanding preparation and discussion.
ALEXANDER JOHN SWAINWOOD
ROGER AND MARYLORIS TRAYNOR PRIZE
To two graduates who have produced outstanding written work.
MICHAEL CORCORAN
ETHAN J. FOSTER
HERBERT MEYER
ROBERT BANGEL
COMMUNITY SERVICE AWARD
To the graduate who has contributed the most to the community.
AMELIA ADELAIDE STRICKLAND
MORTIMER CAPLE PUBLIC SERVICE AWARD
To a graduating student in public service who demonstrates the qualities of leadership, integrity and service.
ALEXANDER JOHN SWAINWOOD
EDWIN S. COHEN KRAMER/HERBERT LABOR RELATIONS AWARD
To the graduate who demonstrates unusual aptitude in courses in the field of labor relations.
MARC A. NOWAK
AMANDA M. LEON
TRAYNOR PRIZE
IV MEMORIAL TRAYNOR PRIZE
TROMBLEY-SHAPIRO AWARD
To a student who shows particular promise in the field of trial advocacy.
CASSANDRA TROMBLEY-SHAPIRO JONES
EPPA HUNTON LAWYER TRIAL BOOK AWARD
To the graduate who has demonstrated the most promise and potential for the practice of family law.
ELIZABETH JOY HARTLEY
EPPA HUNTON LAWYER TRIAL BOOK AWARD
To the graduate who demonstrates unusual aptitude in courses in the field of litigation.
TERRI STEBBINS
MARC A. NOWAK
VIRGINIA STATE BAR PLENUM LAWYER AWARD
To the graduate who has demonstrated the most promise and potential for the practice of public interest law.
TERRI STEBBINS
MARC A. NOWAK

IN THEIR BRIEFCASES

WHAT SHOULD BE IN THEIR BRIEFCASES?

In their commencement address, Catherine Keating ’87, the president and CEO of investment firm Commonfund, used the concept of a briefcase’s contents to illustrate what qualities graduates should take with them into the working world.

In addition to humility and the ability “to roll up your sleeves and do whatever job needs doing,” other attributes in Keating’s ideal briefcase included energy, empathy and curiosity.

Keating joined Commonfund in 2015 as the fifth CEO in its 45-year history, and its first female CEO, after overseeing more than $700 billion in client assets at JPMorgan (see story on p. 46).

—Eric Williamson
PROFESSOR LESLIE KENDRICK, AN EXPERT IN FREE SPEECH

torts, property and constitutional law, began her new role as the Law School’s vice dean July 1. She was named to the position in the spring.

“Leslie Kendrick is a highly respected member of our academic community—at once an outstanding scholar, teacher, colleague and mentor,” Dean Risa Goluboff said. “That she has agreed to take on this important administrative task is a testament to her commitment to this institution and its community. As she follows in the footsteps of the impressive group of vice deans who have served before her, I am confident that Leslie’s considerable talents will serve us all well.”

Kendrick joined the school as a faculty member in 2008, after clerking for U.S. Supreme Court Justice David Hackett Souter and Judge J. Harvie Wilkinson III ’72 of the U.S. Court of Appeals for the Fourth Circuit.

Kendrick succeeds UVA law professor George Geis, who will return to teaching and researching full-time as the William S. Potter Professor of Law. Goluboff thanked Geis, who began serving as vice dean in September 2012.

—Mary Wood

—Laura Yang

—Timothy Sensenig.

Members of the Class of 2020 include: BEN CARRANES, ALEXIS WALLACE, JUDY BAHO, LAURA YANG and TIMOTHY SENSENIG.

BY THE NUMBERS:

THE CLASS OF 2020

AT A GLANCE

- 140 students enrolled from 86 countries
- 45 men, 95 women
- 25% identify themselves as people of color
- 7% identify as African-American, a six-year high-water mark
- 67% have postgraduate experience

WHERE THEY’RE FROM

- 164 undergraduate institutions
- Students come from all 50 states, the District of Columbia and Puerto Rico, with the most common being Virginia, California, Florida, New York, Texas and Maryland.

ACADEMIC CREDENTIALS

- Median LSAT: 169
- 25%-75% LSAT: 165-170

- Median GPA: 3.87
- 25%-75% GPA: 3.53-3.94

- Age Range: 20 to 41

GRADUATE STUDIES

- 40 U.M. candidates representing 15 countries
- 27 L.M. candidates from 18 countries

THE LAW SCHOOL finished its 2016–17 annual giving campaign on June 30 with a 53 percent alumni participation rate, the 12th year in a row more than half its graduates made a gift to the Law School. UVA Law also saw its endowment top $500 million for the first time.

“We owe these results to our loyal and wonderful alumni,” Dean Risa Goluboff said. “This extraordinary record of annual giving is a testament to both the unique student experience here and the continued significance of a UVA Law education years and even decades after our students graduate. We are dedicated to our students and alumni, and it is supremely gratifying that they are dedicated to us as well.”

Alumni turned out in record numbers at events across the country to see and hear Dean Goluboff, who clearly inspired them,” Alvarez said. “Reaching $300 million in endowment is a milestone that follows many years of strong leadership, generous alumni support and superb stewardship by our board of trustees.”

A breakdown of the annual giving campaign shows there were:

- $3,120 alumni donors
- 16,445 total donors
- $13,786,509 in total gifts
- $5,465,963 in unrestricted gifts

—Eric Williamson

Luis Alvarez Jr. ’88, president and chief executive officer of the Law School Foundation, praised the contributions of Goluboff and the board of trustees.

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Emerson Stevens, a client of the UVA Law Innocence Project, walked out of the Greenville Correctional Center on May 19 a free man, though he is not yet cleared of the crime for which he was convicted.

In the sweltering prison parking lot, the newly paroled Stevens was greeted by about a dozen members of his extended family. Stevens embraced his joyful family members, starting with his wife, Sandra.

To celebrate the moment, Stevens donned a T-shirt printed with the slogan, “Sorry, I can’t hear you over the sound of my freedom.”

Also present were Jennifer Givens and Deirdre Enright, directors of the clinic, as well as students who had worked on the case, which the clinic took on in 2010. Stevens’ defense had not seen during the trial. According to the clinic, the documents included evidence of coercive police practices, witness statements that contradicted the prosecution’s case and lists of additional witnesses that may have undermined the case.

In December, the clinic filed a habeas corpus petition in state court, citing the new evidence to claim unlawful detention.

Stevens was granted parole in April. The clinic’s directors stressed that the parole board’s decision did not constitute an exoneration. The parole board’s decision did not constitute an exoneration. The Lan caster Circuit Court was slated to hear his habeas proceeding, which were held March 26-April 1.

Class of 2017 members Amanda Leon, David Maranjian, Eleanor Moran, Jonathon Wilson and William McManus (serving as a coach) won Best Pleading Team, which is awarded for highest overall oral argument scores. Best Oral Team for the Defendant went to Leon and Wilson, and Best Individual Defendant went to Wilson. Overall, the team placed fourth.

UVA Law has one of the most prestigious tax law programs in the United States—and now, increasingly, abroad.

Several professors from other schools expressed to me that this was an unprecedented performance for a school competing for highest overall oral argument scores. Best Oral Team for the Defendant went to Leon and Wilson, and Best Individual Defendant went to Wilson. Overall, the team placed fourth. UVA Law has one of the most prestigious tax law programs in the United States—and now, increasingly, abroad.

“PILA is so happy to be able to continue to provide guaranteed funding for those who want to work in the public interest,” PILA President Megan Keenan ‘18 said. “We have people who are giving all over the country in all kinds of public interest law, and we’re happy to support people who want to work in prosecution, defense or nonprofit work—really, across the spectrum. Through this program, we’re able to help students achieve those goals who might not otherwise be able to coordinate the funding.”

Student recipients are required to apply and qualify for the funding, in part by volunteering their time for pro bono work. This year, prior to the summer, students volunteered 7,975 hours, an average of 58 hours per student grantee.

“The grants benefited all first-year students and 26 second-year students. They are awarded through a partnership between the Law School’s Mortimer Caplin Public Service Center and the Public Interest Law Association student organization. “PILA is so happy to be able to continue to provide guaranteed funding for those who want to work in the public interest,” PILA President Megan Keenan ‘18 said. “We have people who are giving all over the country in all kinds of public interest law, and we’re happy to support people who want to work in prosecution, defense or nonprofit work—really, across the spectrum. Through this program, we’re able to help students achieve those goals who might not otherwise be able to coordinate the funding.”

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—Kimberly Reich
**ENVIRONMENTAL CLINIC HAS BUSY YEAR UNDER NEW DIRECTOR**

The Environmental and Regulatory Law Clinic had an ambitious first year under new director Professor Cale Jaffe ’01, former director of the Virginia office of the Southern Environmental Law Center.

In March, the clinic represented the Virginia Energy Efficiency Council in an attempt to expand efficiency programs in Dominion Virginia Power’s service territory. The case allowed the clinic to support approval of a 20-megawatt solar energy system to be built by Dominion in Fauquier County, Virginia.

Commission to support approval of a 20-megawatt solar energy system to be built by Dominion in Fauquier County, Virginia.

In response to Executive Order 57 from Virginia Gov. Terry McAuliffe, which calls for the development of carbon-reduction projects, Garrett said, “Whether it is foreign bribery cases or antitrust or securities fraud or pharma cases, do you have to go through the big, expensive equivalent or you can do it by other means? That’s what we’re trying to find.”

**DISCOVERY DISCOVERY**

stands with their coaches after a win in Los Angeles.

**UVA LAW NOW OFFERS THE WORLD’S LARGEST**

collection of legal documents related to corporate crime.

Thanks to updates completed earlier this year, the database, called the Corporate Prosecution Registry, allows researchers to view more than 3,000 decision documents, many of them previously hard to find or once shielded from the public eye, while also allowing them to better search specific subject matter and look at overall trends.

Professor Brandon Garrett, an expert in white-collar crime and former federal prosecutor, said, “This collection is part of the most important work an institution can do when it comes to fighting corporate crime.”

More than 2,500 of the documents are corporate plea agreements, Garrett said, while most of the remainder are deferred or non-prosecution agreements.

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**GO-TO RESOURCE FOR RESEARCHING CORPORATE PROSECUTION**

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“IT’S BEEN ALMOST EXACTLY 10 YEARS SINCE I CAME HERE, AND HALF OF THAT TIME HAS BEEN AS VICE DEAN. It’s amazing to me how quickly that 10 years has gone by, and it’s been great. … Our students are so kind about thanking you when you’ve done something to help them in their career. I’ve saved a file in my drawer where I’ve got cards and mementos and notes—things people have written to me thanking me, or they’ve just written me a nice letter about liking my class. Every now and then I go back through that folder and remember different students that I’ve taught over the years. That’s a really cool part about the job.”

MORE: humansofuvalaw.tumblr.com

A NEW PROJECT spearheaded by Law faculty aspires to improve the criminal justice system through the collection and analysis of criminal justice data.

The Virginia Criminal Justice Policy Reform Project will research—and encourage the adoption of—policies aimed at improving the fairness of criminal adjudication, preventing wrongful convictions, reducing recidivism, lowering costs, diverting low-risk offenders from jail or prison, and easing societal re-entry for the formerly incarcerated.

“The project will focus on rigorous analysis of data, and it will be objective and nonpartisan,” said Professor Brandon Garrett, a wrongful convictions scholar who leads the project. “It is designed to promote fairer outcomes that are evidence-based, without sacrificing crime control.”

He gave an example: 41 percent of the low-risk, nonviolent offenders in Virginia who are eligible to be diverted from jail or prison to a community-based sanction are diverted. What explains why some of these low-risk offenders are diverted and others are not? The project will focus on that question in its first year.

Garrett, whose work has sought to improve forensic science, eyewitness identification procedures and interrogation policy, is joined on the project’s leadership team by Professors Richard Bonnie ’69 and John Monahan. The project’s first year of work is supported by a $145,000 gift from the Charles Koch Foundation.

—Eric Williamson

THE QUESTION of how to stem the nation’s opioid epidemic now has a major detailed response. Released on July 13, a study chaired by Professor Richard Bonnie ’69 for the National Academies of Sciences, Engineering and Medicine has provided extensive recommendations for curbing the problem.

Drug overdoses are the leading cause of unintentional death in the United States, and opioids are the chief contributor. Between 2011 and 2015, overdose deaths from illicit opioids increased from 7,019 to 19,884—almost threefold.

“This is an urgent matter,” Bonnie said. “Ninety people die every day of an opioid overdose. We need to muster an ‘all hands on deck’ response to it, and the response needs to be sustained.”

An ad hoc committee of pain-management, opioid-misuse and other public health experts, including Professor Margaret Foster Riley, convened in March 2016 at the request of the Food and Drug Administration to examine two challenges that fuel the epidemic: the need for opioids to treat pain and the need to reduce harms when the drugs are not used as intended. The committee’s analysis and recommendations were presented to the FDA and at several congressional briefings July 12 and were released to the public July 13.

—Kimberly Reich

UVA LAW RECEIVES GRANT FOR CRIMINAL JUSTICE REFORM PROJECT

STUDY: LONG ROAD TO RECOVERY FROM OPIOID EPIDEMIC

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FOR MORE THAN SIX DECADES, THE U.S. ARMY JUDGE ADVOCATE GENERAL’S LEGAL CENTER AND SCHOOL HAS MADE ITS HOME AT UVA BY THE LAW SCHOOL.

BY KATIE McNALLY | PHOTOS BY DAN ADDISON, UVA COMMUNICATIONS
U.S. ARMY JAG CORPS’ CONNECTION WITH UVA LAW REMAINS STRONG AFTER 66 YEARS

A Shared Call

THE JAG Corps moved into Kerchoff Hall—just behind the UVA School of Law’s former location in Clark Hall—in 1951 and followed the Law School to North Grounds in 1975. A special agreement between the JAG Corps and UVA allows students of both schools to take classes at either institution, honing their skills in diverse legal fields.

The largest group of students consists of JAG officers with eight to 10 years of experience who are returning to the school to earn their LL.M. Of all the military JAG schools, the Army’s is the only one accredited by the American Bar Association to offer an LL.M.

Another small group of officers return to the JAG School to receive certification to become judges.

In addition, a small group of longtime officers return to the JAG School.

The school also reserves space each year for foreign JAG officers to attend the master’s program. The 2016-17 class included students from Egypt, South Korea and Armenia.

The classes are really great because you learn just as much from the JAG students as you do from the instructors,” Mullaly said.

Generations of law students such as Katie Mullaly ’18, Rachel Gallagher ’19 and Shalin Nohria ’18 have benefited from the open-door policy between the JAG and Law schools. Law students regularly sign up for courses at the JAG School covering topics related to military justice and government operations.

“The classes are really great because you learn just as much from the JAG students as you do from the instructors,” Mullaly said.

Two faculty members are also serving in the U.S. Army JAG Corps as reservists.

Professor Thomas Nachbar joined the U.S. Army Reserve as a judge advocate in 2005. Over his military career, he has, among other assignments, edited an Army handbook on the development of legal systems, trained Palestinian security forces in the West Bank, and deployed to Iraq.

Nohria, who joined the JAG Corps after law school, has, among other assignments, deployed in the U.S. Army Reserve in the Middle East.

Wilson wound up in the Army because he played softball in the North Grounds Softball League against JAG faculty members. “They said, ‘Hey come join the Army, we’ll send you to Europe,’” he recalled. “It was a three-year commitment at the time, so you could see Europe and then get out and take another job. Twenty-seven years later, I’m still here.”

In addition to their regular teaching duties, JAG School instructors often work directly with law students by coaching mock trial teams and volunteering as moot court judges.

The faculty is made up primarily of experienced officers and retired veterans of the JAG Corps. In addition to experience in standard legal work, each instructor brings a unique set of field experience to the classroom.

“Probably the most interesting aspect of my career has been the development of legal systems, trained Palestinian security forces in the West Bank, and deployed to Iraq,” Wilson said. He also served in the U.S. Army Reserve in the Middle East.

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A non-profit organization has been collecting what it calls the 1828 Catalogue of Law Books since the 1980s. The goal has been to fill in the gaps where Jefferson's originally owned books are now one click away. Thomas Jefferson's 1828 collection of law books, representing his vision for a holistic legal education at the Law School, were digitized this summer and curated on a special website that is free to the public: archives.law.virginia.edu/catalogue. The first phase of the project was slated to be complete by Oct. 1.

The Jefferson Trust, which provides discretionary funding for projects in pursuit of Jeffersonian ideals, earmarked nearly $30,000 for the Arthur J. Morris Library at UVA Law to execute the Digital 1828 Catalogue Collection Project. The project was one of 19 approved proposals among the 67 grant applications the trust received during its annual deliberations.

“This competition was very strong this year,” said Wayne D. Cozart, executive director of the trust, in a letter congratulating Library Director Eric Williamson on the award. Fitchett, who began her role at UVA Law in 2000, said the library has been collecting what it calls the 1828 Catalogue since the 1980s. The goal has been to fill in the gaps where Jefferson's originally owned books are unavailable, by purchasing corresponding titles and editions.

“It has been challenging to reassemble Jefferson's 1828 Catalogue of law books, because some of the books were published as early as the 16th century and the library purchases only the editions of the titles that were actually selected by Mr. Jefferson,” Fitchett said. Under the supervision of Digital Collections Librarian Loren Moulou, the library's Hasselblad overhead camera system and ATIZ dual-camera book scanning system digitized the books using a variety of team-building activities, including dinners at the homes of Dean Allen Groves ’09 and Risa Goluboff, and a group trip to the Downtown Mall.

“The program seeks to empower the Community Fellows to actively observe and address needs involved. The fellow's class is very diverse, and everyone I have met embodies the collegiality that you always hear about at UVA Law.”

The program seeks to empower the Community Fellows to actively observe and address needs and promote unity within the Law School community.

“After learning about negotiation at length, I think I am going to be more engaged in what my classmates are interested in, what they want to learn in law school and what they are seeking long-term. Their interests will help my interests,” Aimonetti said. “It’s about teamwork.”

During the school year, the fellows will work together on a project of their own choosing that will enable them to share the lessons they have learned with their classmates.

Aimonetti said the program was timely for what the UVA Law community needs now. “We addressed the recent events in Charlottesville through our discussions on freedom of expression, and we have talked strategically about how we can come together as a community moving forward,” he said. “This program can help address safety and emotional concerns, and I think we can also provide a mechanism to start the healing process.”

The program began with three days of meetings on topics ranging from active listening to personal strength assessment to the psychology of group decision-making. The orientation also included a variety of team-building activities, including dinners at the homes of Dean Risa Goluboff and Professor Toby Heytens ’00, and a group trip to the Downtown Mall.

“I have always been excited about law school. I wanted to be active in my role here,” said fellow Rachel Barnes, a University of Georgia graduate. “The Community Fellows Program provided a chance for me to get involved as soon as possible and be someone who helps get other people engaged in what we can come together as a community moving forward.”

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HEALTH LAW EXPERT DAYNA MATTHEW, A 1987 graduate of UVA Law and former associate professor here, returned to UVA Law as a full professor for the fall.

“Every day I pinch myself, I’m so glad to be coming back home,” said Matthew, who is the William L. Matheson and Robert M. Morgenthau Distinguished Professor of Law.

A seasoned academic, Matthew joins the faculty from the University of Colorado School of Law, where she began in 2003 as an associate professor. She earned full professorship in 2008. She served there in several leadership roles, including as associate dean of academic affairs in 2004 and, from 2010-11, as vice dean.

She started her teaching career as an assistant professor at UVA Law, from 1991-94. She has also taught law at the University of Kentucky.

At UVA, Matthew will teach several fall and spring courses in health law, as well as first-year constitutional law.

“I will be teaching a lot, in order to better know my students, my colleagues and my home institution,” she said.

In addition to her J.D., she holds a bachelor’s degree in economics from Harvard-Radcliffe College.

Matthew has been a leader in public health. She is co-founder of the Colorado Health Equity Project and the author of the well-received book “Just Medicine: A Cure for Racial Inequality in American Health Care,” which looks at how implicit bias affects health outcomes.

Since the book’s publication in 2015, she said, she has had numerous speaking engagement requests from physicians’ groups, insurers and “social determinant” groups—those in a position to influence public health.

“That has been a really pleasant surprise,” she said. “I thought I was talking to law professors and lawyers. The book has outpaced me.”

The Colorado Health Equity Project, which Matthew began with help from a Colorado law firm partner in 2013, is a medical-legal partnership whose mission is to remove barriers to good health for low-income clients. The project pairs law, medical and public health students with established attorneys to provide direct legal representation to the community.

At Colorado, Matthew was a member of the Center for Bioethics and Humanities on the Anschutz Medical Campus and held a joint appointment at the Colorado School of Public Health. She has a similar arrangement with the School of Medicine at UVA.

“In just eight years, the Program in Law and Public Service has gained a national reputation as unique and transformative,” she said. Created in 2009 by then-Professor Jim Ryan ’92, the program, which admits up to 25 applicants each year, prepares students for highly competitive jobs in prosecution, public defense, government, legal aid, international human rights and at nonprofit organizations. The program offers students access to special courses, summer funding for jobs and a faculty mentor. Loan forgiveness is available for graduates in qualifying jobs. The program is complemented by the Law School’s Mortimer Caplin Public Service Center and the student-run Public Interest Law Association.

In addition to directing the program, Shin will teach a juvenile justice seminar this fall. As a clinic director at William & Mary, Shin oversaw student representation of juvenile clients with disabilities and their families. A 2017 co-recipient of the Virginia State Bar’s Young Lawyer of the Year Award, Shin is also co-chair of the bar’s Children and the Law Commission.

From 2010-14, Shin served as an adjunct lecturer at UVA Law through the Child Advocacy Clinic. As UVA Law’s 2010 Powell Fellow, Shin represented indigent children and families on special education law, immigration cases while working as an attorney with the JustChildren Program of the Legal Aid Justice Center.

“Crystal Shin ’10, a graduate with experience in child advocacy and special education law, became the new director of the Program in Law and Public Service on July 1.

Shin joins UVA from William & Mary Law School, where she served as an assistant professor and director of the Special Education Advocacy Clinic.

“I am excited to mentor and teach law students who are passionate about pursuing public interest careers,” she said. “I am also excited about the opportunity to work alongside and be mentored by my former professors.”

Dean Rita Goluboff said Shin will make a valuable addition as leader of the program. “An experienced teacher and committed public interest lawyer, Crystal will bring new energy and ambition to the program as it matures into its second decade,” Goluboff said. “Crystal is ideally situated to launch the Law School’s next generation of public interest lawyers.”

In welcoming Shin to the position, the dean also applauded Coughlin and Bowers for making the program an exceptional one to inherit.

“In just eight years, the Program in Law and Public Service has gained...
LEGAL HISTORIAN FARAH PETERSON TO JOIN FACULTY IN JANUARY

Farah Peterson, a legal historian whose focus has been statutory interpretation, will join the University of Virginia School of Law faculty in January as an associate professor.

Peterson holds a Ph.D. in American history from Princeton University. She earned her J.D. from Yale Law School and received her bachelor’s in history from Yale as well.

After law school, Peterson clerked for Associate Justice Stephen Breyer at the U.S. Supreme Court and Judge Guido Calabresi at the U.S. Court of Appeals for the Second Circuit.

Having begun her path as a historian, “I really thought of going to law school as finishing my graduate education,” Peterson said. “But I fell in love with the intricacies of law and its practice.”

She said she had intended to practice law for a few more years before seeking a job in academia, but the Law School’s hiring committee found her first.

“It was a delightful surprise,” Peterson said. “I knew some wonderful people who went to UVA Law and had always heard it was a welcoming community.”

The interview process proved to be a match for both sides. “I loved the people I met, and I was lucky enough to be offered a job,” she said. “I can’t wait to get started.”

—Eric Williamson

MELODY BARNES, A FORMER WHITE HOUSE DOMESTIC POLICY COUNCIL DIRECTOR, HAS JOINED THE LAW SCHOOL AS A DISTINGUISHED FELLOW.

Melody Barnes, a former White House Domestic Policy Council director, has joined the Law School as a distinguished fellow.

Barnes will teach a two-credit policy simulation course at the Law School each semester. Students will learn about the office of the president and worked with members of his Cabinet to coordinate his domestic policy agenda.

Barnes addressed national challenges in the areas of education, health care and the federal government’s relationship with local governments and communities, and was involved in aspects of policymaking associated with first lady Michelle Obama’s Let’s Move! campaign and the Child Nutrition Reauthorization Bill.

Barnes will teach a two-credit policy simulation course at the Law School each semester. Students will learn about the office of the president and how it and the executive branch have evolved. Students will also work through the policymaking process from the perspective of the executive branch and the president’s office.

She said she looks forward to engaging with students who are “curious about policymaking and the decision-making process—whether or not they’re interested in a career in government.”

Barnes’ class will add to the experiential learning opportunities in the Law School’s curriculum, Dean Risa Goluboff said, among them clinics, externships, pro bono projects and skills-based and simulation courses.

“Melody’s wealth of experience as a lawyer, policymaker and an executive adviser will greatly enrich our offerings,” Goluboff said. “Many of our students hope to make policy themselves one day. Melody’s background and insight, as well as her energy and unique pedagogical approach, will both inspire and prepare them for such a future.”

The dean’s previous experience includes serving as chief counsel and general counsel to Sen. Edward Kennedy ’59 on the Senate Judiciary Committee, as assistant counsel to the House Judiciary Subcommittee on Civil and Constitutional Rights, and as director of Legislative Affairs for the Equal Employment Opportunity Commission.

—Kimberly Reich
For those aspiring to government service or other public roles, the societ—and coeducation—an important window into the shifting dynamics of the role of public education, from sectional tensions to integration. “Students debated controversial topics, from slavery and foreign policy to the principles of good governance and the role of government,” said Maurie D. McInnis, executive vice president and provost at the University of Texas at Austin, who was a member of the Jefferson Society. “The society's archives contained nearly 60 linear feet of largely unexplored materials,” Gallogly said. “There was no catalog or guide of any kind. We essentially had to start with the first drawer and work our way through, document by document.”

But despite the difficulty involved, the authors said the opportunity was one they couldn’t pass up. “It was a chance to do substantive work in history,” Howard said. “We thought it would take about a year at the time; here we are seven years later.”

Working from meeting notes, letters, publications and other materials, the authors write, “They lay out a strikingly candid assessment of points in favor and against both integration and Harris himself.”

Among the unexpected artifacts they found were informal minutes from the society’s consideration in 1866 of Wesley Harris, who would become the group’s first African-American member. Harris would also become the first student, black or white, to complete UVA’s engineering degree. For many years, a beer keg at the corner of the room was the social lubricant that loosened tongues. “Society Ties: A History of the Jefferson Society and Student Life at the University of Virginia,” by Thomas L. Howard III ’19 and Owen W. Gallogly ’19, chronicles the history of the University’s literary and debating society, a social hub at the University. The book is published by the University of Virginia Press.

“From its inception the Jefferson Society provided a forum for the free and often heated exchange of ideas,” said Maurice McInnis, executive vice president and provost at the University of Texas at Austin, who co-founded Jefferson’s University—Early Life Project while at UVA. “Students debated controversial topics, from slavery and foreign policy to the role of public education, from sectional tensions to integration and coeducation—important windows into the shifting dynamics of American life.”

Literary societies were once the social hub of American universities. For those aspiring to government service or other public roles, the societies filled a void by offering practice in writing, oratory and debate—as well as the chance to win the esteem of one’s peers. The societies also offered formal ceremonies that universities did not for many years, such as graduation exercises. Authors Gallogly and Howard, friends since childhood, began research for the book in 2010, while they were UVA undergraduates and fellow members of the society. The group’s archives of about 30,000 documents had not yet been made available for research purposes. A formal project to enshrine the archives, funded by the Jefferson Trust, began in 2015 and is ongoing.

“We pushed to be able to use the archives ourselves,” said Howard, who earned his bachelor’s in history and master’s in higher education at UVA. “It was a subsequent generation of students who went through the Jefferson Trust and got a grant to restore the documents and do a lot of the digitization and cataloging. When we did the bulk of our work, it was in disarray.”

The documents date back more than 100 years. Most of the society’s older records did not survive, because of the Rotunda fire of 1895. Gallogly, who earned his bachelor’s in political science and history from UVA, said sifting through the filing cabinets on the second floor of Alderman Library, where the archives had been stored since the 1930s, presented a challenge: how to figure out where the most important information was. “The society’s archives contained nearly 60 linear feet of largely unexplored materials,” Gallogly said. “There was no catalog or guide of any kind. We essentially had to start with the first drawer and work our way through, document by document.”

But despite the difficulty involved, the authors said the opportunity was one they couldn’t pass up. “It was a chance to do substantive work in history,” Howard said. “We thought it would take about a year at the time; here we are seven years later.”

Working from meeting notes, letters, publications and other materials, the pair filled in new details about the society, whose meetings gained a reputation over the years for being a boisterous battle of wits among UVA’s brightest thinkers. The meetings have occurred in Jefferson Hall (Hotel C on the West Range) since 1837. For many years, a beer keg at the corner of the room was the social lubricant that loosened tongues. Perhaps not surprisingly, Gallogly and Howard found the society’s records ran the gamut of sobriety.

On the more rigid side were the Wilson-era documents. The future president of the United States, who studied law at UVA from 1879-80 and was also president of the society, had a penchant for institutional organization, as evidenced by his contributions to the group’s constitution, still in place today, and in the governance structure he established for University of Virginia Magazine, which the society ran. On the flip side, minutes from the 1970s leaned toward the jokey and unenlightening, they said.

Among the unexpected artifacts they found were informal minutes from the society’s consideration in 1866 of Wesley Harris, who would become the group’s first African-American member. Harris would also become the first student, black or white, to complete UVA’s engineering honors program. He is currently a professor at the Massachusetts Institute of Technology, where he has served as an associate provost.

“The society that I joined as a first-year in undergrad is very different than the society that exists now, and that will happen again and again and again,” Howard said. “That’s one of the reasons it’s almost 200 years old. Everyone can make of it what they want.”

—Eric Williamson
Something was in the water at the house on Cleveland Avenue in Charlottesville—or so former U.S. Attorney General Eric Holder would joke. For one year in 1989-90, it was the home of Zane Memeger ’91, Tim Hegarty ’91 and Neil H. McBride ’92. All three eventually became U.S. attorneys. (Todd Graves ’91, though not a housemate, also served as a U.S. attorney.)

Memeger recalled his law school days and reflected on his career path for an interview in advance of his orientation address to the Class of 2020 on Aug. 21.

“When Neil approached [Tim and me] as a 1L looking for a place to live, I surely could not have predicted at that time how the road we each would eventually travel would unwind and remain connected at the same time,” Memeger said. “Since law school, our careers have followed similar paths, moving back and forth between the private sector and DOJ.”

Memeger, now back in the private sector as a partner at Morgan Lewis, has been called a “pit bull” for his high-profile prosecutions as U.S. attorney for the Eastern District of Pennsylvania. Memeger stepped down from the role in December after nearly seven years leading the office and 11 years serving as an assistant U.S. attorney. At his busiest, he oversaw the work of 130 federal prosecutors. Their record includes guilty verdicts against then-U.S. Rep. Chaka Fattah Sr. and associates for public corruption offenses; Colleen Larose, aka “Jihad Jane,” Mohamed Hassan Khalid, and Jamie Paulin Ramirez for conspiring to provide material support to terrorist groups in South Asia and Europe; and convictions and prison sentences for more than 25 police and law enforcement officers who abused their authority.

“I took on the job of U.S. attorney knowing that the goal is to do the right thing at the end of the day,” Memeger said. “When you have continued success pursuing a particular priority with the help of a tremendous team of assistant U.S. attorneys and support staff, I think people take notice, because you are working very hard trying to keep the political system and government fair and honest for the people.”

One of Memeger’s priorities was tackling public corruption in Philadelphia.

“These cases caused me to lose sleep at times as I wrestled with making hard decisions, including whether to move forward with cases involving judges, public officials and members of Congress,” he said. “I left the office knowing that I had made the right call in every single case we either pursued or declined.”

Memeger, who was involved in the Post-Conviction Assistance Project as a student at UVA Law, also strongly supported a program that reduced recidivism of violent federal offenders in the Eastern District from more than 60 percent to 11-18 percent in any given year. The Supervision to Aid Reentry Program worked with released prisoners on getting jobs, education, housing, driver’s licenses, mental health treatment, substance abuse treatment and other help.

“That was a huge win from my perspective, one that allowed me to allocate my resources to other enforcement priorities.”

Memeger is now in the government investigations and white-collar practice group at Morgan Lewis, focusing on corporate compliance issues and representing companies across various industries facing government scrutiny.

“I truly find it rewarding to help well-intentioned people and organizations navigate a regulatory and legal landscape that is not often so clear,” he said.

—Mary Wood
The alumni of the University of Virginia are making a difference in the non-profit world.

—by Julia Davis
She previously was an attorney at the global law firm Morgan, Lewis & Bockius, where she rose to partner. As a member of the Tax and Personal Law Department, she worked with wealthy families that had built successful businesses, some of which were in the asset management industry.

But Keating said her interest in financial sustainability really began when she was 8.

“I saw my mother widowed at age 32,” Keating said. “I watched her go back to work. Therefore, from a very young age, I was always interested in financial fitness.”

Outside of work, Keating is also a nonprofit and community supporter. She serves on the boards of Santander Holdings USA Inc., the Girl Scouts of Greater New York, the Inner-City Scholarship Fund and the New York Women’s Forum. She previously served on the board of Villanova University for 11 years, including two as chairperson.

—Eric Williamson

COMMONFUND is a participant in Girls Who Invest, a nonprofit that provides young college women internships at asset management firms. Catherine Keating said that’s no coincidence.

Keating grew up in the Washington, D.C., area, where she saw many inspiring career role models, but they tended to be in fields like law, medicine, media and public service.

“Those are fabulous professions, and women in these professions are fabulous role models, but it was only after I went to law school and began to work with finance companies that I began to see that as a career opportunity,” she said.

Keating said she is working hard to increase the “pipeline” of not just women, but people of color in the industry, too.

Being the first female CEO at Commonfund—or anywhere—comes with an additional layer of responsibility, she said.

“People say to me sometimes, ‘Oh, you are the first woman CEO.’ And I say, ‘It’s never about being the first. It’s about not being the last.’”

LEADING THE WAY FOR OTHERS

Catherine M. Keating ’87 HELPS NONPROFITS MAKE MONEY.

“We want to manage our clients’ money the way they would manage it,” said Keating, who became the president and CEO of Commonfund in 2015. “That means every basis point matters, because that’s a basis point that they can spend on their missions.”

Commonfund is an independent nonprofit asset management firm. Founded in 1971 with a grant from the Ford Foundation, the firm was one of the early developers of the endowment model. Rather than spending their donations entirely on their expenses, nonprofits that use the model invest a strategic amount from their endowment assets to generate income for the long term. Colleges and universities, for example, often withdraw 4-5 percent from their endowments to help cover their annual operating budget.

“We were founded because, as recently as the 1960s, most nonprofits actually didn’t have investment practices and investment portfolios that were going to sustain them over time,” Keating said. “Most nonprofits invested just in bonds, which were safe in the short term, but not sufficient to generate the level of returns required to sustain institutions over the long term.”

As of March 31, Commonfund managed $23.7 billion for hundreds of institutions. In addition to higher education, Commonfund has clients that serve retirement, health care, cultural and humanitarian missions.

Keating said she judges her personal success by the investment performance the firm provides individual clients, the cost of providing the service to clients, and the financial success of the firm overall.

“We’ve done well on all three of these measures over the last two years,” Keating said.

Keating was tapped for Commonfund after 19 years with JPMorgan. In her final position, as head of Investment Management Americas, she oversaw more than $700 billion in investment assets.

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Keating was tapped for Commonfund after 19 years with JPMorgan. In her final position, as head of Investment Management Americas, she oversaw more than $700 billion in investment assets.
Describe your work: I am an assistant commonwealth’s attorney for the city of Richmond, Virginia. Working closely with law enforcement and victim advocates, I prosecute all types of felony cases, including white-collar crime and cases involving property, sexual assault, drugs and violence. I appear in circuit court daily, and have the opportunity to try numerous cases before juries. I do my best to achieve outcomes in my cases that not only ensure justice for victims of crime but also provide defendants, where appropriate, the opportunities and treatment they need to avoid future criminal behavior.

What Activities do you enjoy outside of work? I have always been an avid runner, and Richmond is a wonderful place to live for all kinds of outdoor sports. Richmond is a vibrant community, and I love visiting the numerous craft breweries, restaurants and festivals the city has to offer. I am also an active volunteer with the Junior League of Richmond, as well as the Peter Paul Development Center in the city’s East End. My newest hobby is working on the house I closed on only a few months ago: a 1950s Cape Cod that I share with my boyfriend, Eric.

Are you where you expected to be at this stage of your career and life? I cannot say that everything has gone exactly according to plan since I left Charlottesville five years ago. I have worked in both the private and public sectors, and I have lived in two states on opposite sides of the country. I am very happy to say, however, that I find myself living in a city I love and working in my dream job, serving the people of the city of Richmond and the commonwealth. I just took an unconventional route to get here.

What do you enjoy about your life 5 years after law school? I am proud of the work that I do, promoting public safety and justice in the city. I am grateful for the opportunities I have had to hone my skills as a trial attorney, skills on which I will continue to work for many more years to come. It is also wonderful to be back closer to home; that makes trips to Charlottesville much easier and more frequent!

Blaire Hawkins ’12
Assistant Commonwealth’s Attorney
Richmond, Virginia

Describe your work: I am the director of enforcement at the Commodity Futures Trading Commission, or the CFTC. The CFTC regulates the derivatives markets, which largely consist of futures, swaps and commodity options. We have just under 200 lawyers, economists and investigators on staff, the Division of Enforcement investigates and prosecutes unlawful activity in these markets, focusing primarily on various types of market manipulation, fraud, and disruptive or abusive trading practices (like the kind sometimes carried out by algorithms or high-frequency trading strategies). This jurisdiction is broad—it ranges from manipulation of financial instruments by Wall Street firms to Ponzi schemes involving precious metals by retail fraudsters, and covers just about everything in between. It came to this job with a background in law enforcement, having served as an assistant U.S. attorney in the Southern District of New York. But in this job I’ve really enjoyed focusing on the types of cases that fall within the CFTC’s jurisdiction, as well as thinking about big-picture issues like how we can get market participants the right incentives to comply with the laws and how to deter potential wrongdoers from engaging in misconduct to begin with.

What Activities do you enjoy outside of work? I wrote this, I have a 5-day-old son, Joseph, so I think it’s safe to say just about the only thing I’m going to be doing outside of work for the foreseeable future is hanging out with him and my wife. I’ve been a ton of fun so far, and I’m really looking forward to more of it.

Are you where you expected to be at this stage of your career and life? No way. I thought I’d likely be practicing law back in Oklahoma, where I’m from. But I’ve been lucky to have had generous mentors—starting at UVA—who helped open doors for me. I never would have expected. I feel incredibly fortunate to have had their help to lead me along this path.

What do you enjoy about your life 10 years after law school? I like my job, but the thing I enjoy most in life is spending time with my family and friends. A big part of that happiness comes from the fact that I stay in close contact with my friends from UVA, and that I get to see them quite a bit.

James McDonald ’03
Director of Enforcement, Commodity Futures Trading Commission
Washington, D.C.
ASHANTÉ SMITH ’02
PARTNER, TROUTMAN SANDERS
RICHMOND, VIRGINIA

Describe your work: My work is a hybrid of financial and commercial real estate practice, specializing in the multifamily housing industry.

What activities do you enjoy outside of work? I enjoy delicious meals with friends and family, dancing, hiking, meditating, mentoring college students, reading an array of books of the non-legal variety and all things sarcastic. I also have a very healthy obsession with “Game of Thrones.”

Are you where you expected to be at this stage of your career and life? On the whole, I’ve met many of my expectations but have also given myself room to adjust my plans as I’ve evolved. Professionally, my 2L self was completely convinced that Troutman Sanders was the home for me. When envisioning my future career at TS, it always felt more like fact than fantasy, which made me determined to fulfill the vision I had for my future. Now I’m a partner at TS and my plan clearly came to fruition, but I attribute that 2L confidence to women’s intuition combined with divine intervention and a sprinkling of naiveté. I also freely admit that I never imagined myself thriving as a multifamily housing attorney—frankly, because I didn’t know that niche existed at the time. I’m grateful that I allowed myself some leeway on the specifics of how I would reach my goals, because I otherwise may have missed out on a tremendous opportunity.

On a personal level, my vision of the future was much more vague 15 years ago. However, I fully expected to be a background dancer for Beyoncé by this time. Hopefully, she’ll discover my untapped talent and assist me in my lifelong dream to be a background dancer for Beyoncé by 2030.

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‘THE PERFECT CHOICE’
ROBERT MUELLER ’73
BY ERIC WILLIAMSON

Robert Mueller has built a professional reputation that is beyond reproach—first as a prosecutor, then later as the FBI director who reinvented the bureau after Sept. 11, 2001.

He is devoutly nonpartisan. That neutrality allows him to be a better public servant, he has said.

His colleagues describe him as calm, thorough and focused.

In May, the deputy attorney general of the U.S. Department of Justice named Robert Mueller ’73 special counsel in the inquiry whose central question has hounded the current administration: To what extent, if any, did President Donald J. Trump and his advisers collude with Russia to try to tip the balance of the election in their favor?

The answer could take months to explore, if not years. It may result in criminal charges, perhaps even impeachment of the president.

Or it could result in no action taken at all.

No matter what he might find, the 73-year-old Mueller is expected to conduct the probe as he has always gone about his work—conscientiously. “I accept this responsibility and will discharge it to the best of my ability,” he announced upon resigning from his law firm, WilmerHale.

Professor and former UVA Law Dean John C. Jeffries ’73, a member of Mueller’s law class, said no better person could have been selected for the job.

“Robert Mueller is the perfect choice,” Jeffries said. “Most important is his integrity. For Bob, integrity is not merely a policy or a practice; it’s character. He is incapable of dishonesty or dissembling. Additionally, he has the skill and experience to be effective. His appointment has been universally applauded, as it should be.”

‘NEVER TOOK HIS EYES OFF HIS MISSION’

Despite having every reason to be a widely recognized public figure on par with J. Edgar Hoover, the only director to have led the bureau longer, Mueller had managed to keep a relatively low profile. Perhaps this was best exemplified by the “Who is Robert Mueller?” articles that surfaced after he was announced to lead the investigation.

Who is Mueller? He is one of the key players who...
made the nation safer after Sept. 11. Mueller converted the FBI from a mostly after-the-fact, crime-solving organization to one focused on threat prevention. With his counterterrorism mandate, Mueller oversaw a reorganization of the bureau that involved the retraining of existing agents, and the massive hiring of new ones—all while improving coordination with outside law enforcement agencies and the intelligence community.

He was appointed to lead the bureau a week before the attacks happened. Due to his effectiveness at the job, and President Barack Obama’s need for continuity, Congress authorized him to serve two years beyond the job’s modern 10-year term limit.

One of Mueller’s financial advisors told him he was hurting himself by staying on, rather than pursuing more lucrative opportunities, according to Princeton University classmate Robert Nahas.

Mueller’s response, Nahas said, was, “When the president asks…” “Like the Marine that he’s always been, Bob never took his eyes off his mission,” Obama said in 2013 during a ceremony thanking Mueller and welcoming his successor, incoming Director James Comey.

A DEFINING MOMENT: THE ASHCROFT INCIDENT

With a straight-faced persona recognized by both sides of the aisle, Mueller seldom seemed to have been chosen as much for his character as to do the work.

Mueller was a President George W. Bush appointee to the FBI who earned the Republican’s respect, even though he had several conversations with Vladimir Putin about how to harm Hillary Clinton’s prospects. There will be plenty of coincide"s and misunderstandings, Bob might be the only person in America who could come out, declare Donald Trump and his associates innocent, and be believed by both parties,” Graff said in a recent C-SPAN interview.

A PROSECUTOR AT HEART

At the core of his being, Mueller wants to pursue justice wherever it leads. “In his heart of hearts, he’s a prosecutor,” the late Lee Rawls, Mueller’s former chief of staff and a classmate at Princeton, was at a loss to say.

Before the FBI, Mueller rose to become assistant to the attorney general in 1989; then head of the Justice Department’s Criminal Security and Terrorism Unit in the Eastern District of Virginia. He returned to the FBI to serve as special counsel for national security, and when Congress authorized Mueller in 2011 to serve two more years, Mueller chose Zebley as his chief of staff. That trusted professional relationship has continued through subsequent jobs, including now as part of the special counsel team.

Zebley most recently worked with Mueller as a partner at WilmerHale. There, he assisted Mueller in investigating the NFL’s handling of player Ray Rice’s domestic violence episode and the settlement of Volkswagen’s emissions scandal, among other cases.

To Mueller, though, the choice was about filling a public service need. The district had a rampant crime problem. Congress authorized Mueller in 2011 to serve as special counsel for Virginia. He returned to the FBI to serve as special counsel for national security, and when Congress authorized Mueller in 2011 to serve two more years, Mueller chose Zebley as his chief of staff. That trusted professional relationship has continued through subsequent jobs, including now as part of the special counsel team.

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ROBERT SWAN MUELLER III is a man of oaths, pledges and mottos for whom personal integrity is paramount. His reputation is the currency on which he trades, and it means everything to him.

“We're only as good as our word,” Mueller told the Law School community when he accepted the 2013 Thomas Jefferson Foundation Medal in Law, shortly before exiting the FBI. “We can be smart, aggressive, articulate, perhaps persuasive. But if we’re not honest, our reputations will suffer. And once lost, a good reputation can never, ever be regained.”

Born in New York City and raised outside of Philadelphia, Mueller was the only boy among five siblings. His father was a DuPont career man and former Navy captain who led a sub-chaser during World War II. Mueller attended Princeton University, where his father had gone. He earned a bachelor’s in political science there in 1966, and a master’s in international relations from New York University in 1967.

How Mueller became the professional he is today is a broad story, but one tied in large part to his training at UVA Law, which he has called “one of the best, if not the best, law schools in the country.”

“So many of our colleagues attended Harvard and Yale and other institutions, and UVA was different from other law schools in rather than simply teaching the basic tenets of the law, it sought to provide the foundation for future leadership,” Mueller said in his Jefferson Medal remarks.

Mueller chose to attend UVA because the school was welcoming to veterans, whose leadership skills the school prized. His father was a DuPont career man and former Navy captain who led a sub-chaser during World War II. Mueller attended Princeton University, where his father had gone. He earned a bachelor’s in political science there in 1966, and a master’s in international relations from New York University in 1967.

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“He had a distinguished time in the Marines, was combat-decorated and a real leader, but he spoke little about that period,” said Law School classmate Marschall Smith ’73. “He saw UVA as a chance to build a career supporting the rule of law and building solid institutions.”

Mueller attended law classes with a number of fellow ex-Marines and other former service members. (Today, the Law School continues to welcome veterans. Representatives from all five branches of the military are members of this year's incoming class.)

Mueller also was drawn to UVA for its Honor Code. Students pledge not to lie, cheat or steal, under the penalty of expulsion. “Nothing sets Virginia apart from other universities more than the concept of honor,” Mueller said in his 2013 speech. “The Honor System, in place since 1842, and the community of trust it enables—rests on one precept—and that is integrity. Our careers in the law, our professional and our personal success—and indeed, our reputations—rest on that same precept.”

Mueller worked hard at UVA, and was involved in activities outside of his classes. In his first year, he was a section representative to the Law School Council. In his second year, he tested on to the Virginia Law Review, acing a writing and editing exercise that only eight others passed. He also served as a research assistant to then-UVA Law professor Mason Willrich, who had been assistant general counsel for the U.S. Arms Control and Disarmament Agency during the Kennedy administration.

“Bob Mueller was my favorite law student, who has been a good friend ever since,” Willrich said. “You could tell that he was really mature and that he was really anchored in good trust it enables—rests on one precept—and that is integrity. Our careers in the law, our professional and our personal success—and indeed, our reputations—rest on that same precept.”

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“Bob Mueller was my favorite law student, who has been a good friend ever since,” Willrich said. “You could tell that he was really mature and that he was really anchored in good
principles. He was also just a dynamic type of a person and with leadership skills that are rare. We socialized a lot, and it was a pleasure to be with him. Clearly he was very public-minded even then.”

Mueller’s classmates were also impressed with him. “I recall Bob as a very serious law student,” Smith said. “My sense was he never came to class unprepared. He avoided politics and emotionalism in analyzing cases, doing thorough research, applying precedent in a thoughtful and disciplined way. The superb faculty at the Law School were men and women he greatly respected.”

Cameron Smith ’73, unrelated to Marschall, said in addition to his Law School commitments, Mueller played squash two or three times a week with him and others, including Wilrich and Professor Ted White. They played hardball singles at what used to be the Albemarle Racquet Club.

Mueller seldom lost a match. “I don’t think he ever slacked off at anything,” Smith said. As a student, Mueller drew inspiration from an inscription over an archway on Grounds, attributed to former UVA President Edwin Alderman: “Enter by this gateway and seek the way of honor, the light of truth, and the will to work for men.”

Mueller started his career at the law firm Pillsbury, Madison and Sutro in San Francisco, but he wasn’t there long before taking the Justice Department oath and starting his career as a prosecutor.

He would later be appointed to lead the FBI, in 2001. “Our motto at the bureau is ‘fidelity, bravery and integrity,’ and uncompromising integrity, both personal and institutional, is the core value,” Mueller told law students in his 2013 medal talk.

“For attorneys and not-attorneys alike, there will come a time when you will be tested in both ways small and large,” he said. “You may find yourself standing alone against those who you thought were your trusted colleagues. You may stand to lose what you have worked for, and the decision will not necessarily be an easy call. But this institution, Virginia, has prepared its students for such tests, for integrity is a way of life here at this institution.”
David and Goliath

After graduating from UVA Law, Lowe went to work for the accomplished James Harry Michael Jr. ’42 (who would become a state senator in 1968 and a federal judge in 1980). Michael was so impressed with Lowe’s work that he asked him to become a partner in his Charlottesville practice. But the young lawyer wanted to “hang his own shingle,” so he left that law firm and set up his solo practice in town. The two would meet again under very unusual circumstances.

UVA hired Michael as special counsel in the coeducation lawsuit, “It’s like a class-C movie plot,” Lowe said. “The university hired Harry Michael, so it’s David and Goliath; it’s the mentor and the protégé.”

The two well-acquainted attorneys squared off in Richmond’s federal court before Judge Robert Merhige LL.M. ’82, who offered pivotal rulings in other landmark cases, including the integration of Virginia’s public schools.

One of Lowe’s expert witnesses was Kate Millett, then dean of Barnard College, which had recently instituted coeducational dorms.

“At one of the hearings, the question was posed by Senator Michael: ‘Isn’t it true, you have all these men’s bathrooms on the Grounds of the University? You don’t have any women’s bathrooms. How do you work that out?’”

Millett’s response brought down the house. “Kate said, ‘Oh, shucks, senator, all you do is plant geraniums in the urinals and you’ve got a women’s bathroom,’” Lowe recalled with a chuckle.

Witnesses for the University included an expert who said coeducation would not work because women needed more diminutive furniture.

Minority Report, Major Break

In the course of the lawsuit, Lowe asked for a preliminary injunction so Scott could enroll at UVA in 1969 and not lose a year of school while the case was pending.

The day before the preliminary injunction hearing, Michael sent Lowe an exhibit he was planning to enter into evidence. It was identified to Lowe as the report from Hereford’s Coeducation Committee.

“It said that coeducation ‘might’ work,” Lowe said. “‘Might’ was the word. It might be feasible to add up to 35 percent of women to the entering class over a period of 10 years—and that was only ‘might.’”

Then a twist turned the case on its head. About 10 p.m. on the spring evening before the scheduled hearing, Lowe, a bachelor living in an apartment on Jefferson Park Avenue, got a phone call. It was the president-elect of Student Council, Kevin Mannix ’74. Then a rising third-year undergraduate student, he was also the student representative on Hereford’s Coeducation Committee. He wanted to know if his minority report had been attached to the University’s majority report on coeducation.

“No,” Lowe said.

“I didn’t think it would be,” Mannix told him. “I’ll bring it over.”

“I wrote the minority report because I could not subscribe to the position that the committee was taking on coeducation,” Mannix recalled. “It was a quota system. I guess in my naiveté, I thought it would be included in the record. I don’t know what happened. I don’t want to speculate, but somehow it was not provided to John.”

Mannix went on to marry his wife, Susana, who enrolled at UVA in 1970 as a result of Lowe’s case.)

The next day in court, Michael introduced the majority report into evidence as the Report of the University’s Coeducation Committee.

Lowe offered no objection. Merhige sensed something was off.

“Judge Merhige knew me pretty well and he could see by my facial expression that something was wrong,” Lowe said. “He was really watching me carefully.”
On cross-examination, Lowe handed Mannix’s report to Hereford.

“I said, ‘Mr. Hereford, I hand you this document. May I ask you if you know what it is?’” Lowe said.

Lowe said Hereford looked at the report and blanched. “He said, ‘Yes, I do know what it is.’”

“Can you tell Judge Merhige what that is?” Lowe continued.

“This is Mr. Mannix’s minority report,” Hereford responded. Lowe asked, “Is that part of the report of the coeducation committee?”

Hereford replied that it was. At that point, the judge knew exactly what was going on, Lowe said. “He got beet-red and furious on the bench. He knew important evidence had been withheld from the court.”

“I offer that in evidence,” Lowe told the judge, who immediately went into recess to read the new material.

After coming out of chambers, Merhige granted the temporary injunction and Scott entered UVA later that year on a stipulation that if Lowe eventually lost the case, she would not earn any course credit.

The other three women opted not to enroll.

A ‘BLACK EYE’ AVERTED

Because the overall coeducation lawsuit was a challenge to the constitutionality of a state statute, it was assigned to a three-judge court. With the narrow issue of the preliminary injunction resolved by Merhige, the legal teams for the plaintiff and the defendant gathered in a federal courtroom in Richmond to continue the case. They were called into chambers by the judges: Merhige, John MacKenzie and James Craven.

“When they got us in there, Judge MacKenzie said the reason they had called the teams in is because they thought the University was going to get a very black eye out of this matter if it went the wrong way,” Lowe said. Michael quickly moved for a continuance, effectively putting the trial on hold.

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so he could go back to the Board of Visitors to see if the matter could be resolved.

About a week later, the board went into a special meeting and came out with a voluntary acceptance of full coeducation within three years on the terms Lowe’s suit had proposed: admitting 450 women to the College in 1970 and 550 in 1971. In 1972, students were considered for admission to UVA without regard to gender.

Scott was 19 when she enrolled at UVA. She graduated in 1973 with a degree in religious studies. She later earned master’s degrees in religious studies and education from the University.

“I feel fortunate to have had the opportunity to be a part of this suit and to watch it unfold,” she said. “I am grateful for the outcome which enabled me to receive an education that enriched my life across many dimensions. All women who were able to attend UVA after the case was resolved are indebted to John for taking this case and so skillfully achieving a positive outcome for us all.”

Scott said watching Lowe work on this case and others was an inspiration and a valuable learning experience.

“He was brilliant, fearless and totally dedicated to equal rights cases, regardless of how unpopular it made him,” she said. “He was just getting his own practice going, but that didn’t stop him from spending most of his time on cases that brought little or no revenue.”

Lowe is 80 and still practicing trial law full-time in Bethesda, Maryland, with most of his practice in Virginia jurisdictions.

“Of the things that comes out of this, I hope, is to inspire young lawyers who may think they don’t have much power,” he said. “As long as you’ve got the opportunity to go to court for somebody, you’ve got a lot of power. Neither Phil nor I received any fee for handling this matter. It was a pro-bono-publico case—for the public good. This will hopefully give other lawyers courage and inspiration to do good things on a pro-bono basis.”

Today, as of this school year, women make up 56 percent of the incoming class and come from 47 states and 72 countries.
A Helping Hand After Prison

Former Prosecutor Tim Heaphy ’91 Starts Innovative Loan Fund

“As a former U.S. attorney for the Western District of Virginia, Tim Heaphy ’91 put them in prison. Now a partner with Hunton & Williams, Heaphy recently started The Fountain Fund to help them when they get out. The nonprofit provides low-interest loans to the formerly incarcerated for such purposes as paying off court debt or work-related expenses, for example.

The idea came to Heaphy while renting a vehicle. A man working on the lot struck up a conversation.

“He said, ‘You don’t remember me?’” Heaphy recounted.

“I said, ‘I’m sorry, sir, I don’t remember you, tell me your last name,’ and he told me his last name. I remembered he had been convicted of a drug conspiracy. He was a pretty substantial drug seller in Charlottesville. He had pled guilty in a case I handled. He got a 10-year sentence, and he served eight years. We started talking about what it was like when he came back to Charlottesville from his lengthy incarceration. He said the biggest problem was debt; he just needed money.”

Expenses related to imprisonment can include compounded court fees not just related to the offense, but also for accrued child support, for example. Leaving court expenses unpaid under Virginia law can result in driver’s license suspension and—for former inmates—a probation violation. (UVA Law alumni, professors and students recently challenged the driver’s license suspension law through a Legal Aid Justice Center effort)

“He was in violation of his probation because of the fines, which meant he couldn’t get his Section 8 housing assistance, he couldn’t get food stamps, he couldn’t get disability—anything he would be eligible for, he couldn’t get because of the debt,” Heaphy said. “So I just started thinking, what could we do to help men and women who have these onerous financial obligations that are preventing them from being productive?”

Heaphy talked to his friends who work in criminal justice, formed a board and launched The Fountain Fund last year.

The fund made its first six loans in May to people in similar situations. The loans were for as low as $800 to as high as a little over $4,000. The repayment rate is at a fixed 5 percent interest, which goes back into the fund to help others.

Anyone formerly incarcerated can apply, without restriction based on residence, where the conviction occurred, the crime itself or the amount of time served.

“Their imprisonment could have been for a month, or it could have been for 20 years, it doesn’t matter,” Heaphy said. “We’re going to screen each person and take him or her on the merits of the situation.”

While there is no cap on how much an applicant can receive, Heaphy said he expects most loans to be in the $2,000-$3,000 range.
range, based on the amount of debt individuals have reported.

In addition to making loans, The Fountain Fund provides programming, peer support and mentoring, while making referrals for other social services.

Martize Tolbert, a mechanic at a Charlottesville oil-change shop, is one of the people the fund has helped. Tolbert went to jail for four months last year on a probation violation related to unpaid court costs. The bill was up to $3,200 when he got out, and the state had revoked his license. Unable to drive, he had trouble getting to work—and paying his fines.

But a friend who is involved in community services recommended Tolbert to the fund, which paid the debt and got his license back.

“This assistance is coming from a former prosecutor, the last person you think is going to help you,” Tolbert said. “He’s the guy who locked you up. It’s an old, broken system. They punish you, and they keep punishing you. So it’s good that there are guys like Tim and organizations like The Fountain Fund that can help out. It’s definitely needed.”

The loans aren’t just about playing catch-up or covering basics, however. Heaphy said the fund will help people start small businesses as well. He said he is open-minded about how the money might be used because the project is something of an experiment; nothing quite like it exists. The fund will refine its approach based on analysis over time, he said.

Heaphy noted that among those who have donated to the fund since its founding last year are currently and formerly incarcerated persons, who have said they appreciate the effort. UVA Law professor Rachel Harmon; Jasmine Yoon ’06, assistant director of annual giving for the Law School Foundation and a former assistant U.S. attorney; and Lisa Lorish ’08, an assistant federal public defender, are among the fund’s initial board members. Nicole Snyder ’06, a former assistant U.S. attorney, serves as the fund’s executive director.

Harmon said volunteering with the project is in line with her academic work, which focuses on ways communities can secure effective public safety more fairly and with less harm to individuals.

“I’m excited to be part of founding the fund,” Harmon said. “After serving time in prison, people face overwhelming financial obstacles. They have trouble finding jobs, they are saddled with debt from fines and fees, they have trouble building credit, and it is hard for them to raise capital. With small loans and a little advice, we can help people reach their financial goals, and every person who successfully reintegrates reduces costly recidivism and makes our community stronger.”

FOR MORE INFORMATION: www.fountainfund.org
I

and scope, adding 269 legal service programs around the country. Legal aid has helped bring legal aid to Charlottesville and surrounding areas, essentially founding the Legal Aid Justice Center, now in its 60th year, involved some resistance, even as it garnered support.

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In the legal aid office, 1969 classmates

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In 2001, following a merger with Southside Virginia Legal Services Inc., the Charlottesville-Albemarle Legal Aid Society became the Legal Aid Justice Center. Today, the center employs dozens of attorneys and conducts Charlottesville business at its distinctive brick corner building on Preston Avenue. (The center also has offices in Richmond, Petersburg and Falls Church.)

UVA students typically gain experience working at the center through one of seven for-credit clinics that partner with Legal Aid, or by volunteering pro bono hours on other special projects. Mary Bauer ’90 became the center’s current executive director in January 2014.

In the past half-century, the center has had an incredible impact on the lives of Virginians. From intervening in healthcare matters, to protecting people with exempt Security payments, Legal Aid has been a consistent force for the vulnerable populations. Legal Aid’s efforts to help children, immigrants and refugees, the formerly incarcerated and migrants and refugees, the center’s list of ongoing initiatives include funding, it’s almost impossible to quantify the damage. The case, heard in a Richmond federal court, involved seven causes of action. “It was basically me and a law student going door to door, as important as that is,” Tweel said. “I wore a coat and tie every day. We were working at an annual salary of $9,000. I became pretty much the office for a couple of years,” Tweel said. “We established our credibility with the local bar and the local judges. I wore a coat and tie every day. We were not seen as real lawyers by some of the clients, so establishing credibility was important.”

He added, “Judges hated us in the 1970s.”

The office built a reputation by filing more cases, and, Tweel said, by being more prepared. He said the biggest case he handled was a lawsuit on behalf of welfare applicants. The case, heard in a Richmond federal court, involved seven named plaintiffs and seven causes of action. “It was basically me and five lawyers—me and a law student tried this case; he was like one year out of law school,” Tweel said. “I was scared to death. Fundamentally, we won the case. I probably wasn’t a good lawyer at the time, but we outworked them.”

Now with the Michie Hamlet law firm in Charlottesville, Tweel still runs into former clients from time to time. “When you represent someone, and you do something for them, they remember you. It’s very gratifying.”

Legal Assistance Society. In time, the legal aid office would build its clients and take on paid employees to supervise the work of students.

Ron Tweel ’71 was the second lawyer hired to oversee their work—and the first to take a more ambitious approach, including attempting class actions. He was fresh out of school, working at an annual salary of $9,000.

“I became pretty much the office for a couple of years,” Tweel said. “We established our credibility with the local bar and the local judges. I wore a coat and tie every day. We were not seen as real lawyers by some of the clients, so establishing credibility was important.”
1967
A group of Charlottesville attorneys and law students establishes the Charlottesville Albemarle Legal Aid Society in response to the acute need for a program of civil legal assistance to those who could not pay for services. Staff and local pro bono attorneys provide free legal services with funding from the national Legal Services Program.

1970
The society receives its first federal-era funding for legal aid from the U.S. Office of Economic Opportunity.

1978
Outreach services begin to rural counties of Nelson, Greene and Louisa.

1982
Legal Aid receives its first funding from the city of Charlottesville and Albemarle County for provision of legal services to the poor.

1984
Volunteers from Batos and Ham, a private law firm, provide advice to Legal Aid clients one afternoon per week, establishing the pro bono model still in use.

1996
The U.S. Congress drastically reduces federal funding for legal aid providers nationwide and imposes significant restrictions on the representation of low-income clients. The society begins to examine its options to continue serving the full range of legal needs of low-income families.

1998
Following a merger with Southside Virginia Legal Services, Inc.—a legal services program with a rich tradition and history in the Petersburg area—the Charlottesville Albemarle Legal Aid Society becomes the Legal Aid Justice Center. The center opens an office in Falls Church, home to the Northern Virginia arm of the Virginia Justice Center for Farms and Immigrant Workers, which becomes an integral part of its mission.

2001
The Legal Aid Justice Center conducts a capital campaign to purchase and renovate the Bruton Building at 1000 Preston Avenue in Charlottesville to serve as the headquarters office for the four offices in Central and Northern Virginia.

2003
The Legal Aid Justice Center dedicates the Charles B. Holt Rock House, restored with community support, to serve as headquarters for the four offices in Central and Northern Virginia.

2007
The Legal Aid Justice Center dedicates the Charles B. Holt Rock House, restored with community support, to serve as headquarters for the four offices in Central and Northern Virginia.

2008
Two signature programs at the Legal Aid Justice Center—The JustChildren Program and the Immigrant Advocacy Program (formerly, the Virginia Justice Center for Farm & Immigrant Workers)—celebrate their 40th anniversary.

2017
The center launches the Civil Rights & Racial Justice Program to focus on the criminalization of poverty.
**Expressions Hair Design v. Schneiderman**

THE LIMITS OF FREE SPEECH

*Expressions Hair Design v. Schneiderman* is a case that asks what the scope of the First Amendment is. It involves a New York law that says businesses cannot charge extra for paying with a credit card. They can offer a cash discount, but not a credit card surcharge. *Expressions Hair Design* argued that this is a First Amendment violation, because it affects how they can describe their prices. The interesting thing is that both the solicitor general and the Supreme Court agreed—because the law might affect speech, it implicated ‘the freedom of speech’ under the First Amendment.

“Just plenty of other business and contract regulations also implicate speech. Imposing liability for baseless warranties of fitness for a particular purpose also affects what businesses can say about their products. Doot says that the warranty implicates the First Amendment? The law has traditionally said no. This case distills the line between what is covered by the First Amendment and what is not.”

—Leslie Kendrick ’06

**Kokesh v. Securities and Exchange Commission**

APPLICATION OF STATUTE OF LIMITATIONS

*Kokesh v. Securities and Exchange Commission* is covered by the First Amendment as it involves an act, from a defendant for conduct before the date of filing an enforcement case. The decision will have important implications for investors, and the court continued to show some concern about the scope of the First Amendment.

“The SEC can no longer use the so-called ‘false book and records’ theory to bring enforcement actions against defendants who have already settled with the SEC through a consent decree. Instead, the SEC must seek enforcement of its civil penalties in a federal court.”

—Maureen Brady

**Sessions v. Morales-Santana**

CITIZENSHIP

*Sessions v. Morales-Santana* is a case that involves the citizenship status of a minor child born to a noncitizen parent. The decision said the SEC can bring an enforcement action against a noncitizen parent who is a defendant in a civil case for purposes of determining whether the parent is a director of the defendant company. The decision said the SEC can bring an enforcement action against a noncitizen parent who is a defendant in a civil case for purposes of determining whether the parent is a director of the defendant company.

“The decision will have important implications for investors, and the court continued to show some concern about the scope of the First Amendment.”

—Maureen Brady

**Trinity Lutheran Church of Columbia v. Comer**

FIRST AMENDMENT, 14TH AMENDMENT

*Trinity Lutheran Church of Columbia v. Comer* is a case that involves the constitutional rights of religious organizations, and the court continued to show some concern about the scope of the First Amendment. The decision said the SEC can bring an enforcement action against a noncitizen parent who is a defendant in a civil case for purposes of determining whether the parent is a director of the defendant company.

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**TC Heartland v. KKR v. Weavercorp**

PATENT LITIGATION

*TC Heartland v. KKR v. Weavercorp* is a case that involves the constitutional rights of religious organizations, and the court continued to show some concern about the scope of the First Amendment. The decision said the SEC can bring an enforcement action against a noncitizen parent who is a defendant in a civil case for purposes of determining whether the parent is a director of the defendant company.

“The decision will have important implications for investors, and the court continued to show some concern about the scope of the First Amendment.”

—Maureen Brady

**Weaver v. Massachusetts Prejudice, effective counsel**

*Weaver v. Massachusetts Prejudice, effective counsel* is a case that involves the constitutional rights of religious organizations, and the court continued to show some concern about the scope of the First Amendment. The decision said the SEC can bring an enforcement action against a noncitizen parent who is a defendant in a civil case for purposes of determining whether the parent is a director of the defendant company.

“The decision will have important implications for investors, and the court continued to show some concern about the scope of the First Amendment.”

—Maureen Brady
In ‘End of Its Rope,’ Garrett Follows Thread of Death Penalty’s Decline

BY ERIC WILLIAMSON

STATISTICALLY SPEAKING, CAPITAL PUNISHMENT HAS ONE FOOT IN THE GRAVE. Overcoming a legacy of racial bias and other factors that affect death sentencing may end the practice completely, according to Professor Brandon Garrett, author of a new book on the death penalty.

“End of Its Rope: How Killing the Death Penalty Can Revive Criminal Justice,” published by Harvard University Press, is Garrett’s fourth book. In it, he and his research team were the first to use empirical analysis to understand the trends behind the decline of the death penalty in the United States.

Garrett, also the author of “Convicting the Innocent: Where Criminal Prosecutions Go Wrong,” said understanding the reasons behind the decline can serve as a catalyst for future criminal justice reform.

“Here in Virginia, we have not had a death sentence in seven years, and we used to be second after Texas in death sentences,” Garrett said. “I began to read transcripts of death penalty trials in Virginia and realized that the ground had completely shifted. Attitudes towards tough punishment had changed and jurors were rejecting death sentences even in the murder cases that prosecutors thought were the most serious. I wanted to understand the story of the great death penalty decline because it had the potential to show how we can turn away from mass incarceration and harsh punishment more broadly.”

With the help of researchers Ankur Desai ’17 and Alex Jakubow, an empirical research librarian at the UVA Law Library, Garrett analyzed death-sentence data from 1990 to 2016, county by county.

Among the trends he uncovered, Garrett found that counties with more black residents had more death sentences, and counties with more white murder victims also had more death sentences.

There was also a “muscle memory” effect, he said. “Counties imposed far more death sentences just as a function of having done so in the past.”

The data reflect a legacy of racial bias and idiosyncratic local preferences, he said. Garrett said the decline was interesting to him because no one seemed to predict it. In fact, in the 1990s, more than 300 people a year were sentenced to death. States such as California, Florida, Texas and Virginia were among the leaders.

“Back then the story was that so many of those death sentences were flawed; most were reversed for grave errors and few resulted in executions,” he said.

By 2000, new death sentences started to decline. Prosecutors sought death less often, and jurors imposed death sentences less often. That trend continued to build, year after year, in even the most steadfast death penalty jurisdictions.

Today, death sentences have all but disappeared from rural America, and are now mainly witnessed in large, urban areas.

“Hundreds of local courts used to sentence people to death,” Garrett said. “Last year, there were just 31 death sentences in a couple dozen counties.”

While acknowledging that Americans’ growing awareness of an imperfect legal system may have played a role, Garrett said a more overarching factor may have been the decline in murders that began in the mid-1990s. Fewer murders meant fewer potential death penalty cases. He also noted a defense lawyering effect: States with offices for defense lawyers had significantly more pronounced declines in death sentences.

Cost was a third factor, he said.

Garrett called the death penalty “a failed experiment.” States have tried everything to try to save the death penalty from itself, but the bias, both racial and geographic, is too ingrained,” he said. “Lawmakers have tried to speed up executions, but have instead seen more delays and botched executions. They have tried to insist on higher-quality proof, and have still seen exonerations of innocent death row inmates.”
A legal team that included Professor John Duffy won a Supreme Court decision in May that will significantly curb so-called “forum-shopping” in patent infringement cases.

In TC Heartland v. Kraft Food Brands Group, the court ruled 8-0 on behalf of Heartland that such cases must be tried either in the state where the defendant company is incorporated or in a district where the defendant company has committed acts of infringement and has an established place of business.

Duffy represented TC Heartland in court at the federal appellate level and at the Supreme Court, where the case was argued March 27.

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 a 1957 Supreme Court 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 Supreme Court reversed that interpretation in a 10-page opinion written by Justice Clarence Thomas.

Duffy said the decision “vindicates prior Supreme Court precedent and reinstates the traditional approach to patent venue, which had worked well for nearly a century before the Federal Circuit departed from that approach.”

—Mary Wood and Eric Williamson
The fifth edition of *Kenneth L. Abraham’s “The Forms and Functions of the Civil Litigation Process”* was published by Foundation Press, and “The Transnationalization of the Civil Trial and the Emergence of a Transnational Civil Law,” co-authored with & Donald A. Columbia Law Review in June, was published in the Arizona Law Review.

**Barbara H. Abraham** addressed a group of police chiefs, captains and sergeants at a “Law Enforcement and the Constitution” seminar at Miami in May. The two-day event was sponsored by the Robert H. Smith Center for the Constitution.

**Kenny Adams** co-authored several amicus briefs in Supreme Court cases over the past two years. Adams is known for his work in the field of constitutional law, and he has published widely on topics such as the First Amendment and the Establishment Clause. He has also argued cases before the Supreme Court as an attorney for the ACLU.

**Versteeg is among the first scholars to use quantitative empirical methods to compare the world's migration systems.**


**Bonnie** is one of the few scholars to use quantitative empirical methods to compare the world’s migration systems. She is known for her work in the field of international migration, and she has published widely on topics such as the effects of migration on economic development and social cohesion. She has also argued cases before the Supreme Court as an attorney for the ACLU.

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**Adams** is a professor of law at the University of Chicago Law School and has written extensively on topics such as constitutional law, administrative law, and environmental law. He has been widely cited for his work in these areas, and he has served on numerous committees and panels related to these topics.

**Ashley Speaks** spoke on several panels related to the new administration at the 40th International Conference on Constitutional Law. He is known for his work in the field of constitutional law, and he has published widely on topics such as the First Amendment and the Establishment Clause.
DEBORAH HILLMAN published her article, “A Theory of Bribery,” in the Cardozo Law Review. In June, Holloman presented her paper on “Criminalizing and the Duty to Avoid Conspiring” at the Southern Criminal Law Association at Tulane. She also served as program chair for the annual meeting of the American Society for Constitutional Law in June.

As part of a symposium for the 50th anniversary of Terry v. Ohio, RACHEL BROWN ’90, a professor of constitutional law at the University of California at Berkeley, participated in a panel on “The Fate of Terry v. Ohio.” In addition, Brown co-chaired the panel’s article “Proactive Policing and the Legacy of Terry.”

TERRY HETTMER ’00 helped coach UVa’s un- dergraduate trial advocacy team to an appearance in the national championship in Los Angeles. Heytens also presented a paper on “The U.S. Court of Appeals for the Second Circuit to represent a private sector in connection with the challenges of assessing constitutional violations after an operation has occurred. The table argues that constitutional violations should restrict the statutory reforms of contemporary patrol policing, which—enabled by the absence of strong empirical evidence and judicial deference—has been a significant deciding factor in the fall. The article also explores the challenge of assessing constitutional violations after an operation has occurred.

This spring, ANDREW HAYASHI ’98 published “Evaluating the Entrenchment of Legal Rulemaking,” the June 6-7 conference at Stanford Law School. The article, which is forthcoming in the Virginia Law Review, authored a column in The Virginia Law Review last spring. He also presented a paper on “Modern Civil Procedure” in the 2017 Law Review Symposium. In May, Jaffe joined the Virginia Law Review as its associate editor. D. SCOTT JAFFE ’01 was chosen to serve as the Warner Professor of Interna- tional Law. He was also appointed a tenured professor at the University of Virginia School of Law in April. Jaffe also presented his paper on “The International Law of Environ- mental Forum” at the annual meeting of the Environmental Law Association of America in April.

In May, HAYASHI presented a paper on “A Theory of Facts and Circumstances” at the University of California at Berkeley. Heytens was also chosen to serve as the Warner Professor of Interna- tional Law. He was also appointed a tenured professor at the University of Virginia School of Law in April. Jaffe also presented his paper on “The International Law of Environ-mental Forum” at the annual meeting of the Environmental Law Association of America in April.

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Leslie Kendrick ‘06 has earned UVA’s All-University Teaching Award.

Kendrick, who joined the faculty in 2008 after clerk- ing for U.S. Supreme Court Justice David Souter, became vice dean in July. She teaches courses in torts, property, and constitutional law. She was nominated by her former students.

“I feel very humbled by this award,” Kendrick said. “My students mean a lot to me, and their effort and kind words mean more than I can say.”

Having first met Kendrick at an informal dinner for female students at the professor’s home, Williamson was eager to take Kendrick’s class at the law school, and I’ve served as legal adviser to several of these investigations, which will be argued before the Supreme Court.

His talk, “The Perils of Panglossian Theory,” will be presented in the summer issue of the Virginia Journal of Science.

For more than two years, for “Emeritus status” won’t end my participation in the ALI,” Abraham said. “It’s just the beginning of a new stage in my career.”

This institute is the leading independent policy institute in the United States producing scholarly work to promote and advance otherwise improve the law. The organization includes lawyers, judges and law professors from the United States and abroad, and is supported in part by the National Institutes of Health.

Paper from the conference, co-authored by Moore, will be available in Fall 2018.

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This summer George P. Shike, Jr. co-published an article on the constitutionality of the Consumer Financial Protection Bureau. He delivered the HLA Hart Lecture in April at the Supreme Court. He worked on subsequent cases challenging the Trump administration, because it’s based on animus against immigrants. In May, Schauer delivered the Oom Ome Hla Lecture in Chicago on “Malpractice: Legal Remedies” and appeared in a volume titled “Law, Rights, and Beyond.”

SAIKRISHNA PRAKASH recently appeared in a volume titled ”Law, Rights, and Beyond,” to appear in the Virginia Journal of International Law. In May he gave a keynote speech at the New York University School of Law on the topic “When ‘We Means Us’: Rethinking Informed Consent in Human Subjects Research.” In May he presented at the National Association of the American Orthopaedic Head and Neck Surgery Association in Chicago on “Malpractice: Legal Remedies.” In May, he also co-authored the chapter “Psychologists as Experts: A Manifesto for Reforming the Psychology of Expert Evidence” in the book by Shike, Jr., et al. He has recently been involved in a series of papers on the limits of check and balance, the first of which was published in the Virginia Journal of International Law. In May he also spoke at the Chicago Symposium on the Future of Psychological Science at the Association for Psychological Science in San Francisco, and was named a Phi Beta Kappa honoree at the University of Kentucky in May. In May, he also served as a Guest Editor of the Future of Psychological Science, a volume titled “The Great Courses’ programming—which is available in video, audio and downloadable formats—is aimed at lifelong learners seeking affordable educational experiences from top faculty. The law class, which includes 48 lectures available at www.thegreatcourses.com, is designed to educate viewers about the complexities of the legal system and the foundational role that law has played in American history.”

SELECTED FROM HUNDREDS OF PROFESSORS, SHADLY WOULD BE APJUSTED AT UNIVERSITY OF CALIFORNIA LAW SCHOOL, WHERE LAWYER AND TRAVELER WILLIAM “Go RICHARDS” SCHWARTZMAN ’05, the former director of the University of Southern California School of Law and the author of “The Book of the Court,” has been named the new University of Southern California School of Law dean.

In March, Richard Schmierer spoke on “The Constitutionality of the Consumer Financial Protection Bureau.” In April, he served as an associate editor of “Congressional Law and Public Action.” In April he gave the keynote speech at the New York University School of Law on the topic “When ‘We Means Us’: Rethinking Informed Consent in Human Subjects Research.” In May he presented at the National Association of the American Orthopaedic Head and Neck Surgery Association in Chicago on “Malpractice: Legal Remedies.” In May, he also co-authored the chapter “Psychologists as Experts: A Manifesto for Reforming the Psychology of Expert Evidence” in the book by Shike, Jr., et al. He has recently been involved in a series of papers on the limits of check and balance, the first of which was published in the Virginia Journal of International Law. In May he also spoke at the Chicago Symposium on the Future of Psychological Science at the Association for Psychological Science in San Francisco, and was named a Phi Beta Kappa honoree at the University of Kentucky in May. In May, he also served as a Guest Editor of the Future of Psychological Science, a volume titled “The Great Courses’ programming—which is available in video, audio and downloadable formats—is aimed at lifelong learners seeking affordable educational experiences from top faculty. The law class, which includes 48 lectures available at www.thegreatcourses.com, is designed to educate viewers about the complexities of the legal system and the foundational role that law has played in American history.”

“...I thought an interesting way to approach this would be to use famous trial cases, so I picked some of my favorites—the trial of George Zimmerman, the O.J. Simpson trial, the trial of William Kunstler,” he said. “I think the whole point of the course is to get into the in-depths for The Great Courses has given me new insights that I’ll be incorporating into my classes here this semester.”

Shadly, an expert in public speaking and a former attorney at the Justice Department’s Office of Intelligence Policy and Review, said the experience was “surprisingly intimidating.”

“...The Great Courses uses a state-of-the-art televi- sion studio with impressive sets and multiple cameras, including one that follows you around and sometimes zooms in on your face. I had to learn how to sit quietly, how to keep talking despite the camera zooming around my head,” she said. “My UVA students are going to benefit from this because I have been freshly reminded of what it feels like to be nervous about speaking in public.”

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**FACULTY NEWS**

**PAUL STEPHAN ’77** served as the coordinating reporter for the American Law Institute, which met in May to approve the “Fourth Restatement of the Foreign Relations Law of the United States.” The final work will be published by the end of this year.

Stephan also delivered a paper titled “International Law as a Wedge Between the Corporation and Civil Law” to a conference organized by the South African Branch of the International Law Association in Montego Bay, Jamaica, in August and September. He taught a course on emerging markets at Sydney Law School and Melbourne Law School.

Stephan also led a workshop for the Australian Ministry of Foreign Affairs in Canberra. In addition, Stephan presented his work internationally at the University of New South Wales, and for Duke Law School in Pretoria, South Africa. His papers have recently been published in numerous events in the past year, which will be distributed in a forthcoming book.

**CHIEF JUSTICE ROBERTS APPOINTS SPENCER TO COMMITTEE ON CIVIL RULES**

U.S. Supreme Court Chief Justice John Roberts has appointed **BENJAMIN SPENCER** to the Advisory Committee on Civil Rules of the Judicial Conference of the United States.

Spencer’s appointment is the principal policymaking body of the U.S. Courts, and is charged with developing amendments to the Federal Rules of Civil Procedure. Spencer, an expert in civil procedure and federal jurisdiction, officially received the news in a letter from Roberts in May.

“I am confident that your contributions will be many,” Roberts wrote.

Spencer is serving a three-year, renewable term that began Oct. 1, working with Judge John D. Bates of the U.S. District Court for the District of Columbia, the committee’s chair.

For proceduralists, this is the principal group of people who superintend the body of rules around which our judicial system revolves,” Spencer said. “It is very humbling for me to be presented with this opportunity.”

—Eric Williamson

**MILA VERSTEEG** was named an Andrew Carnegie fellow for the academic years 2017-18. The fellowship will allow her to conduct research on constitutional rights effectiveness. In the past year, Versteege gave talks in Bogota, Colombia; Cambridge, England; Tel Aviv and Herzliya, Israel; and Izmir, Turkey. She also gave workshops at Berkeley, Georgetown, Stanford, Columbia, the University of Louisiana, and the University of California, Los Angeles. This fall she will be conducting fieldwork in Myanmar and Russia. Her 2017 publications include articles in the University of Chicago Law Review, the Cornell Law Review, Law & Social Inquiry, and an edited volume on Comparative International Law. She also recently published a leading political science journal such as the American Political Science Review and the American Journal of Political Science.

Versteege is the director of the law school’s Human Rights Program and organized numerous events in the past academic year on human rights topics.

**GEORGE EDWARD WHITE** will deliver the William Acker Lecture at Birmingham South ern University in early November. The title of the talk is “Law in the Early Republic.” White will present on the place of slavery in the law and the influence of the antislavery movement on the American Association of Law Schools in San Diego on Jan. 5. He will present a paper at the Law and Humanities Workshop at Stanford Law School on March 12. The topic is “American Jurisprudence and Legal Education: From Process Theory to Law And”.

**GEORGE ROBERTS** will present his paper “‘Mapping Employment Discrimination Law: A Leximetric Investigation of EPL Stringency and Regulatory Style’” at the conference on Employmental and Legal Studies in October at Cornell Law School.

**CRIPPS B. WILLIAMS**, Jr., will present his paper “‘The Curious Origins of the Mayor’s Tax Preferences for Oil and Gas Producers,’ which will appear in a forthcoming editorial volume of Tax and the Environment.” The article concerns the origins of two almost-100-year-old oil and gas tax incentives: the percentage depletion allowance and an option to allow producers to expense rather than capitalize their intangible drilling costs.

Williams explains that neither preference arose as a result of explicit constitutional policy to favor producers. Rather, they were the product of legislative and administrative miscalculations and confusion.

Finally, Williams also finished a working draft, “Codification of the Tax Law and the Emergence of the Staff of the Joint Committee on Taxation.” The draft describes the early development of the staff following its creation in 1924 and focuses on the staff’s role over a dozen years to codify the tax statutes. The author shows how this achievement established the staff’s reputation and prominence, and also helped to change the nature of the overall legislative process.
30-year Army veteran, and two other ceremonies. In 1984, at then-Lt. Charles Pede’s ROTC commissioning ceremony just before his graduation from UVA, his father delivered remarks in which he laid out rules for soldiers that Pede has kept in mind throughout his career: challenge convention, lead by example, embrace your moral compass, and avoid damage to civilians and civilian property. “That’s the pride of the American army,” Pede said, “that we’re a law-abiding army.”

“We’re in a legally intensive world—and such a world benefits from well-trained and prepared lawyers and paralegals.”

Lt. Gen. Charles Pede ’87

Fulfilling the Mission

IN A CEREMONY AT THE PENTAGON ON JULY 26, CHARLES Pede ’87 WAS SWEARING IN as the 40th Judge Advocate General of the Army. The ceremony also marked Pede’s promotion from brigadier general to lieutenant general.

Gen. Mark A. Milley, the Army’s chief of staff, hailed the JAG Corps as “fundamental to the service members’ careers, advising the sacrifices that spouses and children make for the service members’ careers, Milley reiterated, as Pede puts it, that “the family owns the [promotion] stars, not you—because they make it possible.”

Pede grew up on bases around the country. Looking back on his experiences in law school, Pede warmly recalled several of his professors, including former dean Emerson Spies, Steven Saltzburg (now at the University of Virginia), and Graham Lilly ’63. Lilly’s civil procedure hornbook, in fact, still sits on Pede’s desk. Reminded that the JAG students are traditionally a force in the North Grounds Softball League, Pede, a former law school softball player himself, chuckled, “They’re a little too competitive, I suppose.”

His Army legal career has taken him all over the world, to Germany, Somalia, Turkey, Afghanistan, Iraq and elsewhere—wherever members of the military require legal services. He has also commanded the Army’s Legal Services Agency and served as chief judge of the Army’s Court of Criminal Appeals at Fort Belvoir, Virginia. In March 2015, he returned to Charlottesville, assuming command of the Judge Advocate General’s Legal Center and School, next to the Law School. His most recent assignment before his current assignment was as assistant judge advocate general for military law and operations, supervising a staff of more than 70 lawyers inside the Pentagon who support the secretary of the Army.

Pede is confident that he inherits a JAG Corps in good shape. “Our corps is extraordinarily healthy,” he said. “But the world is a constantly changing, dynamic place, and new threats emerge.”

Although the Army’s focus has been on counterterrorism for the past several years, Pede wants to ensure that it is also prepared if a “full up” war breaks out.

“We’re in a legally intensive world—and such a world benefits from well-trained and prepared lawyers and paralegals.”

Lt. Gen. Charles Pede ’87

Fulfilling the Mission

“Are we ready?” he asked. “The answer is, in short, yes. But I want to make sure that we’re more than ready.”

—Mark F. Bernstein ’89

THE U.S. ARMY JAG CORPS

LEADING THE U.S. ARMY JAG CORPS

UVA LAW ALUMNI AND FACULTY: A HISTORY OF LEADERSHIP IN THE JAG CORPS

IN ADDITION TO Pede, BRIG. GEN. PAUL S. WILSON ’89 wrapped up his service leading the JAG School in Charlottesville in August, and will retire in November. He also served as commander of the Army’s Legal Services Agency and chief judge of the U.S. Army Court of Criminal Appeals. BRIG. GEN. RICHARD GROSS ’93 retired in January 2016 from serving as legal counsel to the chairman of the Joint Chiefs of Staff. PROFESSOR TOM NACHBAR is a judge advocate in the U.S. Army Reserve, where, among other assignments, he was a principal editor and contributor for the first three editions of “The Rule of Law Handbook: A Practitioner’s Guide” and served in Jerusalem and the West Bank, and in Iraq. PROFESSOR A. BENJAMIN SPENCER also joined the JAG Corps as a Reserve officer, where he has worked on international and administrative law issues at U.S. Central Command and also at other commands, helping soldiers and their families with their wills and other personal legal matters.

THE U.S. ARMY JAG CORPS

“THAT’S THE PRIDE OF THE AMERICAN ARMY— THAT WE’RE A LAW-ABIDING ARMY. WE’RE IN A LEGALLY INTENSIVE WORLD—AND SUCH A WORLD BENEFITS FROM WELL-TRAINED AND PREPARED LAWYERS AND PARALEGALS.”
In Defense of the NCAA

Beth Wilkinson ’87

FANS SETTLING IN TO WATCH COLLEGE FOOTBALL THIS FALL should take heed. Class-action litigation pending against the NCAA could upend the model that has defined college athletics for more than a century. Recognizing how high the stakes are, the NCAA has hired veteran litigator Beth Wilkinson ’87 to play defense.

The plaintiffs in Jenkins v. NCAA are male and female athletes who seek a declaratory judgment that current NCAA rules, which cap the amount of money colleges can pay athlete-students and they are receiving a scholarship to attend school and participate in these activities like other students participate in extracurricular activities.

Now a principal at Wilkinson Walsh Donato & Steingart, she is a 30-year litigation veteran. As an assistant U.S. attorney, she won the Attorney General’s Exceptional Service Award, the Justice Department’s highest honor, for her prosecution of drug lord Danteny Múñoz Mosquera in the bombing of a Colombian airliner, and argued successfully for the execution of Timothy McVeigh in the Oklahoma City bombing case. In recent years, she has also served as lead counsel in antitrust suits brought against the National Football League and the National Basketball Association. The National Law Journal recently listed her as a “dream matchup” in the litigation. The NCAA clearly agrees. “Beth’s unparalleled track record of success throughout her career in high-profile cases, as well as her past representations in antitrust matters and of the sports and higher education communities, make her especially well-suited to lead the defense of the association as the litigation proceeds,” said Donald Remy, the NCAA’s chief legal officer.

—Mark F. Bernstein ’89

our courts have an opportunity to do so.” Seattle and Portland seek a declaratory judgment that they are in compliance with applicable immigration laws. But they further allege that the executive order is unconstitutionally vague and violates both the Tenth Amendment, by attempting to require them to enforce federal immigration law, and the spending clause of Article I, by threatening to withhold federal funds as a means of coercing cities to comply with federal policy.

The spending clause argument relies in part on the Supreme Court’s decision striking down portions of the Affordable Care Act in National Federation of Independent Business v. Sebelius. Holmes acknowledged the irony in liberals citing Chief Justice John Roberts and the Tenth Amendment, traditionally a conservative shield, against a perceived overreach of federal government, but adds, “I think there is a beautiful symmetry here.”

In April, a federal judge in San Francisco issued a preliminary injunction against the executive order in a suit filed by the city of San Francisco and Santa Clara County. That case is currently pending before the Ninth U.S. Circuit Court of Appeals. Holmes said that the executive order has already caused a drop-off in domestic violence prosecutions, as abused women refuse to press charges for fear that they might be deported. The two-term city attorney, who is seeking re-election this fall, was instrumental in persuading the Washington Legislature to change state law six years ago to reduce the maximum sentence for misdemeanor from 365 to 364 days, so that a conviction would not subject the defendant to deportation under federal immigration law.

—Mark F. Bernstein ’89

In Defense of the NCAA

Peter Holmes ’84

THOUGH IT HAS SO FAR RECEIVED LESS ATTENTION than the Trump administration’s “travel ban,” another executive order seeking to crack down on so-called sanctuary cities is also facing legal challenges, one of them filed by Seattle City Attorney Peter Holmes ’84 in the U.S. District Court for the Western District of Washington.

President Donald Trump’s executive order, issued Jan. 25, declares that sanctuary cities—those that refuse to comply with requests by federal immigration officials to detain those believed to have entered the country illegally—“have caused immeasurable harm to the American people and to the very fabric of our republic.” Attorney General Jeff Sessions has indicated that the Justice Department will require all cities to verify that they are in compliance with federal immigration law and threatened to withhold federal funds from cities that refuse.

In a March 29 press conference, Holmes denounced the administration’s “continual saber-rattling” and said the suit “represents Seattle’s attempt to mute histrionics in favor of a plain statement of the law. I hope the president will refrain from tweeting his legal opinion before rendering judgment that current NCAA rules, which cap the amount of money colleges can pay athlete-students and they are receiving a scholarship to attend school and participate in extracurricular activities.”

Now a principal at Wilkinson Walsh Donato & Steingart, she is a 30-year litigation veteran. As an assistant U.S. attorney, she won the Attorney General’s Exceptional Service Award, the Justice Department’s highest honor, for her prosecution of drug lord Danteny Múñoz Mosquera in the bombing of a Colombian airliner, and argued successfully for the execution of Timothy McVeigh in the Oklahoma City bombing case. In recent years, she has also served as lead counsel in antitrust suits brought against the National Football League and the National Basketball Association. The National Law Journal recently listed her as a “dream matchup” in the litigation. The NCAA clearly agrees. “Beth’s unparalleled track record of success throughout her career in high-profile cases, as well as her past representations in antitrust matters and of the sports and higher education communities, make her especially well-suited to lead the defense of the association as the litigation proceeds,” said Donald Remy, the NCAA’s chief legal officer.

—Mark F. Bernstein ’89

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Nethery describes her job as a mixture of encouragement and assistance. “I like to say that our program is bottom-up, not top-down,” she said. “It’s really about engaging our attorneys in what they’re passionate about.”

“In many cases, attorneys will come to her with cases they would like to take on or organizations they would like to assist. In other cases, she meets with attorneys who know that they want to give back but don’t know what’s out there. She also recruits and manages relationships with outside organizations in the community that might need legal help, trying to match them with Seyfarth lawyers who would be a good fit. The firm’s pro bono work encompasses a wide range of cases and causes: immigration and asylum law, domestic violence representation, landlord-tenant disputes, prisoner rights cases and assisting nonprofits. Charitable contributions, through the Seyfarth Shaw Charitable Foundation, are made by each of the firm’s offices under her direction. As if that weren’t enough to do, Nethery also recently served as president of the Chicago Bar Foundation, the charitable arm of the Chicago Bar Association. “It’s all about how we give back to our community,” she said, “whether in money, influence or voluntary legal work.”

Nethery said the legal industry’s commitment to pro bono work has grown since she finished law school. The Association of Pro Bono Counsel, of which she is president-elect, has more than 200 members from more than 100 firms. Last year, 74 percent of Seyfarth’s attorneys did some form of pro bono work, totaling 19,367 hours. “I think there has been a real culture shift,” she said.

—Mark F. Bernstein ‘89
Shawe said. “He would be there day out. He would figure out ways to make things work when it seemed impossible, his father would take a chance of making a deal happen for his persistence. Even in collective bargaining, he was a trial attorney representing labor unions, founded the Baltimore firm of Shawe & Rosenthal and a pioneer in the area of labor law.”

In one of his landmark cases, Shawe continued to work at the firm his father founded. He called the firm his father’s “classic story of the Great Depression.”

Earle Shawe grew up in Portsmouth, Virginia. After a high school teacher urged him to go to college, Shawe attended the University of Virginia at 16 and graduated with a law degree at 22. After a brief stint as a law clerk for a small New York firm, Halperg and Shawe became an associate for the Reconstruction Finance Corporation and then for the National Recovery Administration.

Shawe eventually would end up joining the National Labor Relations Board, where he was the youngest union attorney. He left the board and joined the newly formed organization. There, he represented the employers of Bethlehem Steel and helped them gain legitimate bargaining rights.

Stephen Shawe said his father gained recognition because there were so few people who specialized in labor law. He continued to work into his 80s. The annual Earl K. Shawe lecture continues to honor selected UVA Law faculty in his memory.

Although retired since 2015, OLDEBT WRIGHT has maintained his Florida license and enjoys being involved on a pro bono basis in various community and association issues, and in participating as a volunteer judge/mediator in several Charlottesville Team Court.

EARLE K. SHAWE ’34, THE LATE SCHOOL’S OLDEST ALUM

IN MEMORIAM: EARLE K. SHAWE ’34, "DEAN OF LABOR LAWYERS"
Fox wrote that he has been in regular contact with Casper since his time at UVA.

Casper is a shareholder in Rudin, Stakely, Johnson & Genest in Montgomery, Alabama. He practices primarily in the areas of utility law, rate regulation, general corporate and finance, and the law of cooperative associations.

Two Law alumni teamed up recently to write about growing up in the 1950s and early 60s in a small town, where they and their "many friends" messed up just about everything they touched—"Not Rocket Science,ウトSci-Fi Weekly and Other Stories" is the work of GIULIO SCHIA and JOHN MASON.

William H. Boswell was elected a freeman of the Worshipful Company of Frameworkers. He was sworn in to the nearly 700-year-old trade company at Guildhall in London on April 26. He subsequently was elected a Freeman of the City of London, where he is known to understand may permit him to lead sheep without fear of the mood strikes.

Douglas G. Tucker Jr. was named to Super Lawyers Virginia for 2017 by the publication of the Virginia Law Business Report.

CHARLES CASPER ’77

Charles Casper ’77 and ’74, a partner in Montgomery McCraken's Philadelphia office, was recently part of the legal team that won Microsoft v. Baker before the Supreme Court. Casper is chair of the firm’s class action defense practice group.

On June 12, the court ruled unanimously in Baker that the federal courts of appeal lack jurisdiction to review an order denying class certification after the named plaintiff voluntarily dismiss their claims with prejudice.

In 2011, plaintiffs filed suit against Microsoft claiming the Xbox 360 console had a design defect that caused it to scratch DVDs. In 2012, two federal district judges in Seattle denied class certification. He has been one of Microsoft’s lawyers now places plaintiffs and defendants on an even playing field.

Microsoft introduced evidence that only 0.4 percent of Xbox 360 users reported disc scratching of that sort. Two federal district judges in Seattle denied class certification. He has been one of Microsoft’s lawyers now places plaintiffs and defendants on an even playing field.

Casper was heavily involved in Baker, a decision that now places plaintiffs and defendants on an even playing field when it comes to appealing decisions about class certification. He has been one of Microsoft’s lawyers since the case began.

Casper is chair of the firm’s class action defense practice group. He has been one of Microsoft’s lawyers now places plaintiffs and defendants on an even playing field.
JENNIFER JORDAN MCCALL is the chairperson of the outpatient, trauma and tax planning group at the Pittsburgh law firm Kerr Mcgee. She is a former senior historian at the CMA Foundation, the University of Pennsylvania’s tax planning group and the University of Pennsylvania in New York and Florida. She is dedicated to the law in California, where she practices. Her daughters, Hillary, Shadrack, and Lisbon live in San Francisco. In her free time, she writes about tax and international litigation. She has been previously invited to the University of Texas School of Law, where he teaches Tax and Agency. Monte Czarnikow is a partner in the New York office of Edelman, a public relations firm in London. He is a journalist, a former senior editor at the CMA Foundation and was a senior editor at the Catholic University’s Columbia School of Law, where he teaches Torts and Agency. NICHOLAS MORGAN is a partner in the San Francisco office of the law firm of Munger, Tolles & Olson. He has written extensively on bankruptcy issues and corporate law. He currently is a law professor at the University of California, Berkeley. JAMES PFANDER’S book, “Lost in the Vacuum of Their World,” was cited in Ziegler’s Alphub, 1177 C.11, Supreme Court 2017, with Justine Stephen Sawyer welcoming the book.

MARRY FOIL RUSSELL opened her own law firm, Foil Russell, in 1983. The firm specializes in business formation, tax and environmental law. KERRY K. RUTHERFORD is a shareholder of and serves as the executive director of the law firm of Paul, Hastings. In Houston, was elected a fellow of the College of Business and Employment Lawyers. ROBERT S. STEINBERG, an attorney at the law firm of Latham & Watkins, has been elected to the National Academy of Circuit Judges. He is a member of the leadership group of Race Matters for Juvenile Justice.

A. Robert Cherot, a partner in Munger, Tolles & Olson, was named to Super Lawyers for 2017. He is a leading attorney in the area of corporate disputes and securities law. He was named as an honoree in the 2017 A. Robert Cherin Award, a national recognition for outstanding contributions to the legal profession. The award is sponsored by the American Bar Association.

BERNIE KLEIN, a partner in the law firm of Bleicher & Klein, has been named a member of the board of directors of the California State Bar. He is a former president of the State Bar of California. He is a graduate of the University of Pennsylvania and received his law degree from the University of California, Los Angeles. He is a member of the American Bar Association and the California State Bar. He is a partner in the law firm of Bleicher & Klein, which represents clients throughout the United States and the world.

E Minimal and A. Robert Cherin Award, a national recognition for outstanding contributions to the legal profession. The award is sponsored by the American Bar Association. The award is presented to an attorney who has made significant contributions to the legal profession.

TAMAR M. MEDICIS, a partner in the law firm of Munger, Tolles & Olson, was named to the list of Super Lawyers for 2017. She is a leading attorney in the area of corporate disputes and securities law. She was named as an honoree in the 2017 A. Robert Cherin Award, a national recognition for outstanding contributions to the legal profession. The award is sponsored by the American Bar Association.

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the civil justice system. Huntsley was a partner of the Idaho Supreme Court from 1982-2015. In recent years, he has practiced law in the area of civil justice and has been chiefly engaged in the representation of clients in matters related to civil justice.

MARIA LEONARD OLSEN is practicing civil litigation in Bethesda, Md. She has also authored several books, including “Not a Clean Family—The New Normal in Modern American Families” and two children’s books, “Mommy, Why’s Your Skin So Brownie?” and “Hiding for Hallo’s.” Her next book, “Fifty After 50—Fifty New Things I Did After Turning 50 and What I Learned From Them,” will be published in the next year. Olsen lives on the Chesapeake Bay.

James P. Williams of Perkins Coie has been named managing partner of the Seattle office. Williams also recently accepted a wide election for Washington State Senate to delegate to ABA House of Delegates. State delegation at the ABA House of Delegates. State delegations include one for each of the 50 states, Puerto Rico and the District of Columbia—Russell Coggins & Burch from San Diego are partner in the corporate group. She writes that “she is very excited with her new platform and wonderful colleagues.”

JUDITH ANN LUTTEN is an attorney at the firm’s North America antitrust and competition practice group. He joined Baker from the U.S. Department of Justice’s antitrust division, where he received the Attorney General’s Distinguished Service Award in 2010. He lives in McLean, Va., with his wife and two daughters.

Michael R. Buitel was appointed chairman of the workers’ compensation division section of the Pennsylvania Bar Association. He is currently a partner and head of the employment law practice at the firm. In 1940 just after the German invasion of France.

Robert B. Johnson is practicing law in Atlanta. He is a partner at the firm and has been named chairman of the firm’s commercial litigation practice group. He joined the firm in 1992 and has served as lead counsel in numerous complex cases, including cases involving issues related to antitrust, intellectual property, and securities law.

The Amicus Review for the National Criminal Defense College, which was founded in 1985 to provide counsel to all defendants in capital cases, has chosen a Wasserstein & Co. partner as its new executive director. The position is currently held by a prominent member of the firm.

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environmental law at BENNET
19
counsel at the U.S. En-
bers USA for his work in
ZEBULON D. ANDERSON
partner in private prac-
and Natural Resources
served as deputy assis-
natural & Porter Kaye
He oversaw the legal
based in Washington,
and acquisitions, and
 joined the
He now represents
JAY NANAWATI
joined the

Robert Blackman, 1976
and building products,

Vincent was also
at FILEAS, located in

BOB

several French subsid-

SULLIVAN JR. '01

BRITISH COLUMBIA,

David Stuckey '01,

noted by the ABA Task

First, he was a lawyer. Then he met a woman on a train traveling from Zurich to Budapest. The romance led him to become a legal assistant in Hungary. While the romance even-
Frank Sullivan Jr., J.D.
was named the
awarded the National

Ryland Property

Vladimir Viskovic, 1996

and website traffic of more than 35,000

1. "Our mission was, simply, to be the go-to source

David Stuckey '01
starts '01

1. "The opportunity to witness and

1995

DAVID PHILLIPS
named vice chair of the

David Phillips joined

Katherine Williamson

Williamson

Katherine Williamson

Williamson
The Virginia State Bar recently honored ANGELA CIOLFII ’03 with the Virginia Legal Aid Award. The award is presented to one man and one woman who have represented Multicultural and Low Income clients with high-caliber legal services.

The Virginia State Bar recently honored ANGELA CIOLFII ’03, a 13-year veteran of the Charlottesville-based Legal Aid Justice Center, for her headline-making work over the past year. The Access to Legal Services Committee of the state Bar gave Ciolfi, a former VLS student, the Virginia Legal Aid Award.

Ciolfi’s work over the past two months led to the Virginia State Bar Legal Aid Specialization Test being moved online. From the 127 bar members who were eligible to take the test, she was the only one to pass.

Ciolfi is the executive director of the Legal Aid Justice Center, a non-profit, non-partisan legal aid organization that represents low-income and Multicultural Virginians.

Ciolfi is a frequent speaker on legal and policy issues. Shehas presented on the topic of youth development in the region’s most needy communities.

Ciolfi and her family moved to Washington, D.C. last year andstillserves as a pro bono attorney for children and adults.

Ciolfi has represented individuals or nonprofit organizations in the representation of vulnerable individuals or nonprofit organizations in the representation of vulnerable individuals.
**Clinic and the Advanced**

William & Mary professor of law at

community. Shin

Conference, the legal

dedicated service to

young Virginia lawyer

Bar's Young Lawyers

by the Virginia State

Young Lawyer of the

2017 co-recipient of the

Annual Leaders Under

innovative and talented

sport and will be honored

annual Leaders Under

October.

40 Awards Dinner in

Leaders Under 40 list of the

New York City, has

associate at Proskauer

employment law.

internal investigations

business litigation,

Starrett’s practice

Benchmark Litigation’s

partner with Brooks

Rising Stars list. He

included in the 2017

Commercial Litigation and

Public Housing Becomes Privatized, UVA-Trained Advocates Stand Up for Tenants

Kim Rolla ‘12 and Helen Hardman ‘12 have a message for any company in Virginia that seeks to take advantage of a new government program to redevelop old public housing for low-income residents. Follow the law, or face a challenge.

Hardman is vice president of law and policy for the advocacy group Housing Opportunities Made Equal of Virginia. Rolla is housing team coordinator and staff attorney at the Legal Aid Justice Center. The two groups, along with UVA Law students, are working together to challenge violations of federal housing law in the wake of privatization.

Nearly 50 years since passage of the federal Fair Housing Act, housing discrimination is alive and well,” Hardman said. “While it might not be as overt, it is just as insidious.”

The U.S. Department of Housing and Urban Development opened an investigation in March into allegations of discrimination by Hopewell Redevelopment and Housing Authority and its corporate counterpart, Community Housing Partners, which in 2014 razed the Hopewell, Virginia, public housing community formerly known as Langston Park. The entities built new apartments on the site, now called the Summit at Hopewell. Hardman and Rolla’s groups are representing nine current or former residents whose rights were violated during relocation for construction or who returned to experience discrimination at the Summit.

The redevelopment was the site of a tragedy last year. “A woman with disabilities died from complications of a heart problem that her housing provider refused to accommodate by transferring her from an upper-level unit to a first-floor unit,” Hardman alleged.

Another woman lost custody of her infant child at a housing in which the child’s father pointed to uninhabitable conditions of the unit she was transferred into during redevelopment, Hardman and Rolla said.

Letting children play outside unsupervised was also problematic under the new lease terms, they said. “Once the new housing was complete and some families were allowed to return, single mothers had to make an impossible choice: Let their kids play outside and risk notices of lease violation with threats to call Child Protective Services or force their kids to stay cooped up inside new apartments that were smaller than before,” Hardman said. “The fair housing rights of people with disabilities and families with children were effectively ignored both before, during and after completion of the property.”

The summit project was Virginia’s first under the Rental Assistance Demonstration program, an initiative that allows housing authorities to offer tax incentives to private investors who finance the redevelopment of some of the nation’s rundown public housing stock.

Rolla said the RAD program, which is attractive to officials because it leverages private equity, could expand beyond its current “pilot program” cap of 185,000 units of public housing. “Leveraging private equity means permanently privatizing these units of public housing, which has a profound impact on tenants’ lives and the long-term affordability of this housing,” Rolla said. “If the cap is lifted, the problems at the Summit at Hopewell could be the tip of the wave, unless we act now to ensure the greatest possible protections for tenants.”

—Eric Williamson
While he was the historian at the CIA Museum, Nicholas Reynolds, a longtime CIA officer, former Marine colonel and Oxford-trained historian, began to discover tantalizing clues that suggested Ernest Hemingway’s involvement in World War II-era intelligence work was much more complex and fraught with risks than has been previously understood.

“When I first read about [what Hemingway had done], I thought that this is not the Hemingway we’re accustomed to,” Reynolds said in a recent interview about the book for paulsemel.com. “We’re used to the Hemingway who is someone with semi-formed left wing sympathies, a general predilection to prefer the underdog over the tycoon, but not someone who gets involved in politics in an organized way, not someone who commits to an ideology of any sort.”

The New York Times best-selling “Writer, Sailor, Soldier, Spy: Ernest Hemingway’s Secret Adventures, 1935–1961” brings to light the secret side of Hemingway’s life: his recruitment by Soviet spies in the NKVD, the forerunner to the KGB, followed by relationships with the U.S. State Department, the Office of Naval Intelligence and the American OSS, a precursor to the CIA—to say nothing of his long-running conflict with the FBI.

Starting with the Spanish Civil War, Reynolds finds a coherent thread in Hemingway’s fascination with the secret world of intelligence, from his passionate commitment to the Spanish Republic, to his recruitment by the Soviets—who valued Hemingway’s journalistic skills and access to sources—to his experiences hunting submarines off Cuba and gaining tactical intelligence for the Allies during the liberation of Paris.

The tone of the book is simultaneously factual and gripping.

“I am a classically trained historian, I’m used to writing the facts in a very precise way, and footnoting my sources, and worrying more about accuracy than color or readability,” Reynolds said. “But in this case, I had a great story with a lot of passion and drama, and I had terrific support from my editor and a couple of book groups that I belong to, who pushed me in the direction of writing creative nonfiction. So I’m hoping that the end result is fun to read for people, and that I tell the story in a way that they can enjoy reading the story as well as learn something, and then come to their own conclusion as to whether my answer to the question [of why Hemingway became involved with the Soviet secret service] is a good one.”

—Madison Fisher

**Ernest Hemingway’s Secret Adventures, 1935–1961**

**NICHOLAS E. REYNOLDS ’81**

**WILLIAM MORROW**

Based in part on an unauthorized diary kept by Boyer’s father, 1st Lt. Roscoe “Rocky” Boyer, this narrative history offers the reader an account of World War II Allied air commander Gen. George Kenney’s “air blitz” offensive in the Southwest Pacific as it was lived both in the cockpit and on the ground. Diaries were forbidden, but Rocky kept one—full of casual observations about the enemy and the conditions of war, and the lives of other pilots who were often his companions in death. Boyer’s War is a story of an extraordinary hero and an incredible journey through the most devastating conflict in human history.
Today, Americans face six critical threats to their financial security: the high price of health care, the increasing cost of Medicare, the threat of economic stagnation, climate change, buying a home, and more. In this second edition, Robert C. Hamilton explores these issues from based on independent, objective, and detailed research, today's environment.

David E. Grogan is a member of the firm of Grogan & Brueck, LLP, and is admitted to practice in New York, California, and the United States Supreme Court. Mr. Grogan is a graduate of the University of Virginia School of Law. His work focuses on federal civil rights issues, including those affecting the rights of prisoners, police misconduct, and racial discrimination.

In "Wait, What?" and "One More Thing," author Michael J. Gerson presents a series of humorous and serious essays on life and politics. The essays offer insights into the current state of the United States, as well as personal reflections on his own experiences.

Gopaal Goel, a member of the firm of Goel & Associates, specializes in corporate law and corporate governance. He has represented a number of international clients in various transactions and disputes.

Professor Paul McGaha is the Director of the Martin O’Malley Center for Ethics in Business and director of the Center for Business Ethics at the University of Virginia. He is the author of numerous articles and books on ethics, corporate governance, and business strategy.

Marta A. L. V. West is a professor of law at the University of Virginia School of Law, where she teaches and researches in the areas of intellectual property, innovation, and technology.

Robert D. Hamilton III is a partner in the firm of Dinsmore & Shohl and has extensive experience in the areas of corporate law, business litigation, and commercial transactions. He has represented numerous clients in a variety of industries, including manufacturing, telecommunications, and technology.

John W. Macilroy ’74 is a partner in the firm of Latham & Watkins and focuses on representing clients in complex commercial matters, including mergers and acquisitions, corporate finance, and intellectual property.

These UVA alumni—two from the Law School and one from Darden—write about growing up at the University of Virginia, their time in the 1960s and 1970s in a small town, and how their friendships stayed intact throughout their lives.

The new edition of "Dead Certain" is not only a thrilling legal mystery, but also a story of love, loss, and hope. Attorney Ella Broden's life is turned upside down when she is accused of murder, and she must navigate the complexities of the legal system to clear her name and bring justice to her clients.

"Tales of Tax Reform" is a collection of short stories that explore the different perspectives on what it means to be a taxpayer in the United States. The stories are written by a diverse group of authors, including historians, economists, and tax practitioners.

"Gorilla and the Bird: A Memoir of Madness and a Mother’s Love" is a memoir by author and activist Zack McDermott. The book tells the story of McDermott’s struggle to care for his mentally ill mother and the impact it had on his own life and relationship.

"Triangle: Rebuilding from a Tragic Fire" is a book written by Mark Helfrich, a member of the firm of Helfrich & Helfrich. The book chronicles the author’s family’s experience with the tragic fire at the Triangle shirtwaist factory.

"Sapphire Pavilion" is the second novel in the "Sapphire" series by David Grogan. The book continues the story of Sapphire, a young woman who is forced to make difficult choices in the face of a corrupt and oppressive society.

"Captured: The Corporate Infiltration of American Democracy" is the latest release by Princeton University Press. The book explores the ways in which corporations have infiltrated American politics and how this has affected our political process.

"We Do Our Part" is the second book by author Robert C. Hamilton. The book examines the role of government in regulating the economy and protecting the public interest.


"Weird Science" is a book by author Robert C. Hamilton. The book explores the role of science in shaping our lives and the ways in which scientific knowledge is often distorted or misused.

IN MEMORIAM

Earle K. Shawe ’34
PERRYSVILLE, OH
Jan 21, 1987

Carroll H. Rea ’45
SEANAD EIREANN, IRELAND
April 14, 1987

Joshua L. Robinson ’48
LYON, NY
April 16, 1987

Bruce G. Cornwell ’49
STAFFORD, VA
April 21, 1987

Elizabeth W. H. Johnston ’56
NEW YORK CITY
Oct 22, 1987

Philip A. tolivord ’56
EDINBURG, TX
May 12, 1987

Edward F. Killeen ’57
WASHINGTON, D.C.
March 29, 1987

S. Lee Miller ’57
WASHINGTON, D.C.
May 24, 1987

William W. Miner ’57
BYWNE, CONN.
May 24, 1987

Benjamin Alliston Moore Jr. ’57
CHARLESTON, S.C.
Feb 10, 1987

Audrey R. Bowles III ’58
ROCKHILL, SC
April 26, 1987

Rowland H. Coleman Jr. ’58
BRENTWOOD, CONN.
July 2, 1987

Robert W. Emmons Jr. ’58
ROCHESTER, NY
April 21, 1987

Edwin B. Fockler III ’58
NORTH RIDGE, OH
July 29, 1987

Wallace H. Horsley ’59
CHARLESTON, S.C.
May 10, 1987

William V. Neville Jr. ’59
LONDON, KENT
April 22, 1987

Lawrence Aseley Warner ’59
BETHEL, CONN.
March 15, 1987

Christopher M. Weld ’59
EDGerton, MA
May 1, 1987

John P. Ackery II ’60
ROCKGRAND, S.D.
May 12, 1987

Laurence Vogel ’60
LIVINGSTON, N.J.
Feb 10, 1987

James F. Barber ’61
CUMBERLAND, VA
May 12, 1987

Paul H. Frankel ’61
HOLYOKE, MA
Feb 18, 1987

Grover C. Wright Jr. ’61
VERMONT, VT
June 20, 1987

Edward J. Hodges III ’62
ROCHESTER, S.D.
March 18, 1987

John R. Nason III ’62
SEKISHU, JAPAN
May 12, 1987

Belden F. Frease ’63
PASADENA, CA
April 30, 1987

Peyton S. Hawes Jr. ’63
WASHINGTON, D.C.
July 21, 1987

Everette G. Allen Jr. ’65
ROCKHILL, S.C.
May 21, 1987

Robert E. Brown ’65
SNIPER, NY
July 20, 1987

James Dennis Rask ’66
CHARLESTON, S.C.
July 21, 1987

L. Scott Barkerdale ’66
STEVENSTOWN, PA
June 19, 1987

Frances E. Perkins Jr. ’67
KENTSHIRE, N.Y.
Feb 19, 1987

Ernest Clifford Barrett III ’69
WASHINGTON, D.C.
Feb 20, 1987

Andrew W. Volin ’89
ROCKFORD, IL
May 21, 1987

Jerome A. Smith ’90
ARIZONA, ARIZ.
May 19, 1987

Angela M. Stephenson ’90
TALAMO, NY
July 20, 1987

Richard C. Seaver ’94
MOON/svg, FL
June 19, 1987

Anne M. Lewis ’95
BUFFALO, NY
July 22, 1987

Corinne Avery Roosevelt ’97
WASHINGTON, D.C.
April 12, 1987

Alan L. Abey ’76
YADRE, NY.
March 18, 1987

Charles F. Huxsaw ’77
LAFAYETTE, LA
March 24, 1987

J. Frank Stewart ’80
HUNTSVILLE, AL
May 18, 1987

John L. Sullivan ’80
ALEXANDRIA, VA
May 17, 1987

Melanie C. Maloney ’81
LEXINGTON, VA
Oct 1, 1986

Deborah Johnson Pyles ’81
CROFT, VA
July 2, 1987

James E. Baldwin Jr. ’83
PENSACOLA, FL
July 2, 1987

Michael J. O’Leary ’86
LOS ANGELES, CA
April 2, 1987

David M. Eisenberg ’87
LOUISIANA, LA
May 27, 1987

Tamara Marie Meekins ’87
SALT SPRING, B.C.
May 11, 1987

Julian Addle Cook Jr. ’88
JAREEF, IRAQ
May 18, 1987

Nicholas G. McBrian ’91
NEW YORK CITY
May 21, 1987

George E. Allen III ’93
RICHMOND, VA
July 22, 1987

Charles P. Hirsch ’97
KANSAS CITY, MO
July 24, 1987

IN MEMORIAM
THE LAST WORD

Tim Phillips ’97
GENERAL COUNSEL AND ASSISTANT SECRETARY OF THE AMERICAN CANCER SOCIETY INC. AND THE AMERICAN CANCER SOCIETY, CANCER ACTION NETWORK INC.

DESCRIBE YOUR JOB and what you like about it.

Well, I’ve heard it said it’s not a job if you enjoy what you do. And what I do is serve and lead. I serve the mission of my organization to fight relentlessly to defeat a disease whose time has come, while we celebrate the lives of those in the battle and honor the lives of those who gave their full measure in the effort. I am privileged to lead a team of dedicated legal and compliance professionals who devote their time and talents to advising our mission partners on a full range of issues. And what I love most about the work is that no day is like any other. I serve in an environment where the landscape constantly changes.

Do you have a morning routine? (And a plan to beat that famous Atlanta traffic?)
The first thing I do in the morning is pray and meditate with Scripture. Following that exercise, most mornings I will visit the gym or practice yoga—or both. My “plan” to beat the infamous Atlanta traffic is to accept it. The Serenity Prayer helps!

Who has been the most influential person in your life?
I would say the person who has had the most lasting influence on my life is Abbot Aidan Shea, OSB, who taught me Latin and French, and served as my guidance counselor in high school. He officiated my confirmation in the Catholic faith, officiated my marriage and baptized both my sons. He has been a friend and spiritual mentor for most of my adult life.

What is the most indispensable piece of advice you’ve ever received?
Proverbs 3:5-6. “[Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to him, and he will make your paths straight.” I have tested these words often and never have they failed.

Is there a memento you keep, in your office or at home, that inspires you?
I keep the Navy SEAL Ethos posted on the wall above my computer monitor. I also keep a copy of The Serenity Prayer on my credenza.

What did you enjoy most about your law school days?
I would say what I enjoyed most was the camaraderie we shared as classmates and schoolmates. I believe what makes the Virginia Law experience so unique is the combination of a shared desire for the pursuit of academic excellence and a shared commitment to servant leadership, encased in an environment of mutual respect.

If your life as general counsel were made into a movie, what would the title be?
“Mission Possible.”

Can cancer be defeated?
Yes, we can!

You have the last word, what do you want to say?
To the Virginia Law community, I say, lead. Lead by example. Lead with conviction and fortitude. I believe now more than ever our society beckons for servant-leaders who embody civility and courage of conviction. And of course a sense of humor! The Virginia Law community is a breeding ground for these elements. Please continue our tradition of servant leadership.
ALUMNI EVENTS

CONNECT WITH ALUMNI AT A RECEPTION NEAR YOU. WWW.LAW.VIRGINIA.EDU/ALUMNI

NOV. 29—ROANOKE, VIRGINIA
Hotel Roanoke
11:45 A.M. reception
12:15 P.M. lunch

NOV. 29—CHARLOTTE, NORTH CAROLINA
Offices of McGuireWoods
6-7:30 P.M. reception

DECEMBER 6—WASHINGTON, D.C.
Metropolitan Club
6:30-8:30 P.M. reception

DEC 13—CHARLOTTESVILLE
Keswick Hall
6:30-8 P.M. reception

FEB. 20—NEW YORK CITY
Yale Club
11:45 A.M. reception
12:15 P.M. lunch

MARCH 8—ATLANTA
The Wimbish House
11:45 A.M. reception
12:15 P.M. lunch

MARCH 8—BIRMINGHAM, ALABAMA
Birmingham Civil Rights Institute
6-8 P.M. reception

MARCH 21—NORTHERN VIRGINIA
Ritz Carlton, Tysons Corner
6-8 P.M. reception

APRIL 18—BOSTON
Omni Parker House Hotel
11:45 A.M. reception
12:15 P.M. lunch

APRIL 18—MANCHESTER, NEW HAMPSHIRE
The Foundry
6-6:30 P.M. reception
6:30 P.M. dinner

REUNIONS
MAY 11-13—CHARLOTTESVILLE
FOR THE CLASSES OF:
2013 and the Lile Law Society
ALL ALUMNI ARE INVITED TO ATTEND.

MAY 31—RICHMOND, VIRGINIA
Offices of Hunton & Williams
6-7:30 P.M. reception

JUNE 14—WASHINGTON, D.C.
Metropolitan Club
11:45 A.M. reception
12:15 P.M. lunch