

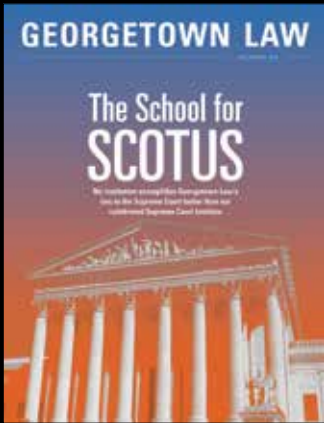
GEORGETOWN LAW

FALL/WINTER 2018

The School for SCOTUS

No institution exemplifies Georgetown Law's
ties to the Supreme Court better than our
celebrated Supreme Court Institute





GEORGETOWN LAW

Fall/Winter 2018

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Orientation 2018

Michelle Wadolowski (L'21) contemplates the Smithsonian National Museum of African American History and Culture.

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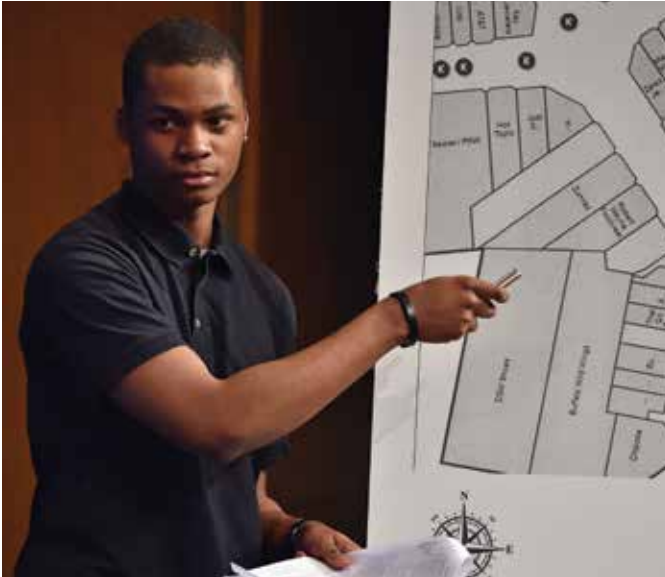
Georgetown Law chapter hosts Federalist Society's 2018 National Student Symposium.



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At the 45th anniversary of Street Law, Georgetown Law celebrates the man who has been the heart and soul behind it — retiring Professor Rick Roe.



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Commencement 2018

At the Law Center's 146th Commencement, D.C. Delegate Eleanor Holmes Norton and Judge Merrick B. Garland of the U.S. Court of Appeals for the District of Columbia Circuit receive honorary degrees.



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Trailblazers

Georgetown Law welcomes four new faculty members.

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The School for SCOTUS



When a group of Georgetown Law professors were tasked with coming up with an audacious goal in the fall of 1998, the obvious response was to create a Supreme Court Institute. Today, we cannot imagine Georgetown Law without it. Students all witness a moot court as part of their first-year legal practice class and can easily go to the Supreme Court a few days later to hear the real argument. They might participate in a unique Judicial Clerkship Practicum, assisting the professors and practitioners who serve as volunteer justices.

It's an experience that students can get nowhere else — and practitioners and justices alike continue to praise the service to the legal community. We tell the story of this remarkable innovation in "The School for SCOTUS" on page 30. As we were preparing this issue for publication, the country witnessed a Supreme Court nomination that divided the nation. At this time, perhaps more than ever, the civil, balanced, informed dialogue that Georgetown provides surrounding the nation's highest court and the cases before it is a service to the nation of critical importance.

We start the school year with wonderful news. Following the two most successful fundraising years in our history, Georgetown Law raised \$30 million this past academic year — the best fundraising year yet. Because of the generous support from you, our community of alumni, faculty, parents, students and friends, Georgetown Law has reached a new level of philanthropy, one that is profoundly important to our students and our academic mission.

A special thanks to Bruce (L'80) and Ann Blume, who contributed \$10 million to create the Blume Public Leadership Institute to support our public interest law scholars program (story on page 91). Our dedication to educating the future leaders of the legal profession is more important than ever, and as our new 1Ls begin their legal education, I could not be more optimistic about their future.

A handwritten signature in black ink that reads "Bill".

William M. Treanor

Dean of the Law Center
Executive Vice President, Law Center Affairs





/ NEWS

Professor Neal Katyal faces the press after arguing *Trump v. Hawaii* in the Supreme Court in April. Katyal issued a statement after the June 26 decision (see page 13).

Photo Credit: Brent Futrell

BRIEFS



Professor Laura Donohue testified before Congress on the topic of warrantless searches of electronic devices at U.S. borders. The July 11 hearing was conducted before the Senate Subcommittee on Federal Spending Oversight and Emergency Management, Committee on Homeland Security and Government Affairs. Donohue, Georgetown Law’s director of the Center on National Security and the Law and director of the Center on Privacy and Technology, was the first expert of the day to testify.

Professor David Hyman testified before the U.S. Senate Committee on Health, Education, Labor & Pensions in June on how to reduce health care costs and why health care is so expensive in the United States.

Professor from Practice Jennifer Hillman testified before the U.S.-China Economic and Security Review Commission in the Dirksen Senate Office Building on June 8 regarding possible tools to address Chinese market distortions.



Ambassador (and Visiting Professor) Stephen J. Rapp: Bridging the Divide

In Spring 2018, the Human Rights Institute hosted a lecture by Ambassador Stephen J. Rapp, the Robert F. Drinan, S.J., Visiting Professor of Human Rights for 2017-2018, entitled “Bridging the Divide Between International Human Rights Inquiries and Criminal Prosecutions.” Rapp served as the U.S. Ambassador-at-Large for War Crimes Issues in the Office of Global Criminal Justice under President Obama from 2009 to 2015.

Human Rights Institute Releases New Fact-Finding Report: “Trapped”

The Human Rights Institute released its latest fact-finding project report, “Trapped: Cycles of Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Persons in Guyana,” in June. The report examines the broad spectrum of discrimination and violence the LGBT community faces in Guyana. Based on interviews from a wide range of stakeholders, it presents a nuanced set of findings through stories and patterns of abuse and discrimination in every major facet of life including health, education, employment, and access to justice. The report highlights that systematic violations of human rights do not exist in a vacuum, but are connected and informed by other violations and the law, policies, and attitudes of the government and its people.

Witness to Tragedy, a Victim of Fake News Conspiracies Sues Alex Jones and Others

Georgetown Law’s Civil Rights Clinic filed suit in federal court in Virginia in March on behalf of Brennan Gilmore, a Charlottesville counterprotestor at the August 2017 “Unite the Right” rally who captured video footage of the car attack that killed Heather Heyer and injured 36 others.

Gilmore sued Alex Jones and others alleging defamation and intentional infliction of emotional distress for branding him a murderous “deep state” shill and mobilizing an army of followers to pursue

a campaign of harassment and threats against him that continues to this day.

By cloaking their smear campaigns as journalism, the defendants denigrate the First Amendment, said Andrew Mendrala, supervising attorney of the Civil Rights Clinic.

“The First Amendment does not and cannot protect deliberate lies designed to incite incessant harassment and violence against private citizens,” Mendrala said. “This case is a simple defense of democracy. A well-informed public is essential to a healthy democracy. But a deliberately misinformed public is fatal to it.”

IMF General Counsel Sean Hagan (L’86) to Serve as Visiting Professor



Sean Hagan (L’86) will join the Georgetown Law faculty as a visiting professor in the

2019-2020 academic year, teaching courses relating to international organizations, global governance, international finance and public corruption.

Hagan has served as general counsel and director of the Legal Department at the International Monetary Fund for nearly 14 years, advising the Fund’s management, Executive Board and membership on all legal aspects of the Fund’s operations — including its regulatory, advisory and lending functions. Hagan has published extensively on both the law of the Fund and a broad range of legal issues relating



New Research Shows Arrests of D.C. Girls Rising Sharply

Arrests of girls in D.C. have risen dramatically, even while arrests of boys have fallen, according to new research presented by Georgetown Law’s Juvenile Justice Initiative and Rights4Girls. Following the launch of the new report, “Beyond the Walls: A Look at Girls in D.C.’s Juvenile Justice System,” in March, Washington, D.C., juvenile justice system leaders and advocates discussed what’s behind the increasing criminalization of D.C. girls and what can be done to turn things around.

to the prevention and resolution of financial crisis, with a particular emphasis on insolvency and the restructuring of debt, including sovereign debt.

Prior to beginning work at the IMF in 1990, Hagan was in private practice, first in New York and subsequently in Tokyo. Hagan received his J.D. from Georgetown Law and also received an M.S. in International Political Economy from the London School of Economics and Political Science.

“Unite the Right” Organizer Settles Charlottesville Lawsuit Brought by Georgetown Law ICAP

In July, one month before the one-year anniversary of the violent “Unite the Right” rally in Charlottesville, the lead organizer became the final defendant to enter into a consent decree resolving a lawsuit brought in state court by Georgetown’s Institute for Constitutional Advocacy and Protection on behalf of the city and others. Under the terms of the decree, the organizer promised that he will not facilitate organized, armed paramilitary activity at any future rallies in Charlottesville. He was the last in a series of defendants who agreed to be bound by court-enforceable consent decrees that permanently prohibit these rally organizers and participating militias, alt-right organizations, and their leaders from participating in Charlottesville protests and rallies as unauthorized organized armed groups using force or projecting the ability to do so. The trial was set to begin on July 30.



Andrea Mitchell at Corporate Counsel Institute

NBC News journalist Andrea Mitchell delivered the luncheon address before more than 200 attendees at Georgetown Law's 22nd annual Corporate Counsel Institute at Georgetown Law in March.

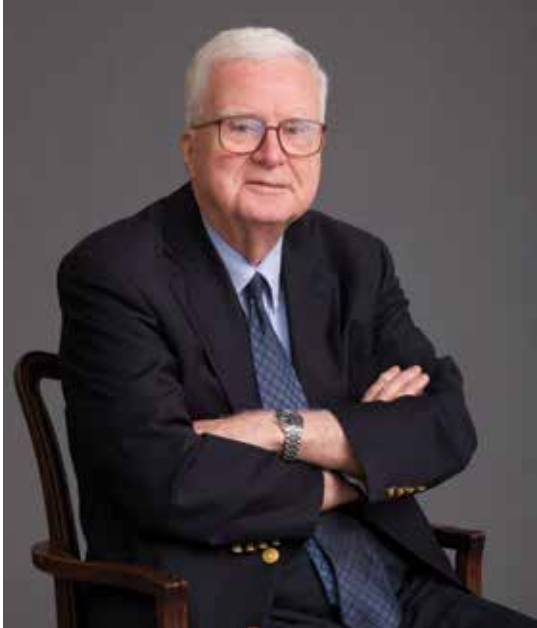


Teresa Cheng, Hong Kong's Secretary for Justice, Talks International Legal Norms

Students got a refresher course in international law when Teresa Cheng, Hong Kong's secretary for justice, came to Georgetown Law in July. While international law as a discipline is European in origin — with Asian states, upon gaining independence, expected to respect what was already in place — Asia will play a significant role in influencing international law in the future, especially with respect to special economic zones, climate change and dispute resolution, Cheng said.

The Governance & Regulation of Information Platforms

From Facebook to Amazon to Internet search engines and service providers, information platforms have ever greater power to shape our society and our personal lives. How should companies govern themselves to protect privacy, increase transparency and address damaging content such as fake news, revenge porn, hate speech and extremism? Where should government step in — and how should policymakers promote competition, access and affordability? Georgetown Law's Institute for Technology Law & Policy hosted a symposium on the governance and regulation of information platforms in February — in which leading experts discussed these pressing questions and proposed solutions for regulating a dramatically reordered information landscape.



International Moot Court Competition Renamed for Professor John Jackson

The prestigious European Law Students Association Moot Court Competition on WTO Law, held in Geneva June 19-23, has been renamed for the late Georgetown Law Professor and founding IIEL faculty director, John H. Jackson — widely considered the architect of international trade law. Jackson's family and representatives from Georgetown, where he taught international trade law, participated in the renaming ceremony at the close of this year's competition.

"John was interested in looking at international economic law as a discipline... it is multipronged and it is distinctively interdisciplinary," said Professor Chris Brummer. "What happens in international monetary affairs...and [what] we've been trying to think through, here at Georgetown and at other places, with our partners at the Graduate Institute and around the world, [is] how to introduce a more interdisciplinary, policy driven, and rigorous perspective on issues of international economic law."

Check Out Our New Website!



Have you visited www.law.georgetown.edu lately? Our new website launched last spring and it's garnering applause from students, prospective students, alumni and faculty (who now have a platform for all the news articles and op-eds they've been generating in the media — from World Trade Organization law to protecting the rule of law here at home).

CLINICS

Four Cases, Three Circuits, Three Weeks: Professor Erica Hashimoto Sets Fast Pace for Appellate Litigation Clinic

Georgetown Law's Appellate Litigation Clinic is often compared to a boutique appellate firm, with Clinic Director Erica Hashimoto (L'97) as senior partner, one or two Fellows as junior partners, and 16 third-year law students acting as closely supervised associates. But even a well-seasoned firm might have blanched at the clinic's pace last spring, when the students argued four cases in three weeks, in three different federal appeals courts, followed by a fifth argument a month later.

Best moment: "Standing up as Jennifer Safstrom, on behalf of Harold Barnes, and saying 'Good morning, may it please the court...' I had done it in dozens of moots, but to do it in front of three judges of the Fourth Circuit was such a privilege. A privilege to be there; to present our client's case and, possibly, to effect systemic change. That was the best. The worst is waiting for the decision. Waiting is horrible."

Jennifer Safstrom (L'18)
Teammate: Carlton Tarpley (L'18)
Case: *Barnes v. Masters*, Fourth Circuit No. 17-6073, argued March 20, 2018.

"I can't remember anything like it, and I'm glad I wasn't the one to have to do it," said Professor Steven Goldblatt (L'70), who led the clinic for more than 30 years before bringing Hashimoto in as co-director in 2016. Goldblatt took Of Counsel status in August 2017.

"Erica has the youth and the energy to take it on, along with the advocacy and teaching skills," he said.

As a 3L at Georgetown Law, Hashimoto had been a student in Goldblatt's clinic. A dozen years later, after gaining tenure at the University of Georgia School of Law, she sought his advice about starting a similar program there.

She founded UGA's Appellate Litigation Clinic in 2010 and convinced the Atlanta-based 11th U.S. Circuit Court of Appeals to adopt a student-practice rule. When she returned to Georgetown in 2016, "I brought the Eleventh Circuit with me," she said.

The 11th Circuit assigned two of the 11 cases the clinic handled during 2017-2018, including one that Nicole Pacheco (L'18) argued in Miami on April 10. Before that, Jennifer Safstrom (L'18) had argued in the Fourth Circuit on March 20, and Harry Phillips (L'18) and Dominique Rioux (L'18) argued in the U.S. Court of Appeals for the District of Columbia Circuit on March 26 and April 6, respectively. Finally, the D.C. Circuit heard from Caleb Redmond (L'18) on May 17.

Hashimoto also argued a case in February, and a former Fellow argued one last fall, for a total of seven arguments during 2017-2018.

"I didn't get much sleep," Hashimoto said.

The student arguments required coaching as well as 25 or more "moots" by professors and practitioners outside the clinic — in addition to moots by teammates, other clinic students, Hashimoto and Fellow Anjali Prakash.

Several faculty members "were incredibly generous with their time," Hashimoto said. These included Goldblatt, Professor David Vladeck (LL.M.'77) (who "read every brief we filed and mooted every student who argued," Hashimoto said), Professor Paul Smith, and Professors Irv Gornstein and Dori Bernstein, the executive director and director of Georgetown Law's Supreme Court Institute.

Hashimoto also enlisted attorneys Ruthanne Deutsch (L'04, LL.M.'16) of Deutsch Hunt; Roy Englert Jr. of Robbins, Russell, Englert, Orseck, Untereiner & Sauber; Jeff Lamken of MoloLamken; Howard Srebnick (L'89) of Black, Srebnick, Kornspan & Stumpf in Miami; Cate Stetson of Hogan Lovells; and Vivek Suri of Jones Day.

Having a student argue is more pressure than arguing the case yourself, Goldblatt said. "They have to be so well prepared, at a point in their career when they have no business being up there," he said. "Some lawyers go their whole career without arguing in federal appellate court."

EXPERIENCE

Despite the tight schedules and heavy workload, none of the arguing students reported feeling shortchanged.



“I felt abundantly supported,” said Rioux, reflecting the students’ consensus. “Everyone was so generous ... I got greedy about asking for people’s time and input.”

Being part of an argued case also sharpened the skills of the students who weren’t arguing, said Joe Flanagan (L’18), who was on a team with Phillips and Vetone Ivezaj (C’13, L’18). Flanagan said he had to “pinch himself” to believe his good fortune at being part of the process.

On the day Phillips argued, former Solicitors General Donald Verrilli Jr. and Paul Clement (F’88) were arguing different sides of another appeal, just down the hall.

“Had it been another day, I would have gone to watch,” Phillips said. Flanagan, though, went through security behind Clement that morning, noting that he was “just another guy in the bag-check line.”

In briefs and in argument, a student’s performance “needs to be indistinguishable from a seasoned practitioner — and they are,” Vladeck said. “The circuit courts don’t assign lawyers for easy cases; they assign cases when they’re troubled by difficult questions, and they rely heavily on counsel to help them sift through and answer those questions. It’s a testament to Steve and Erica that we get so many assigned cases.”

Goldblatt, though, said he will take credit only for structuring a smooth transition. He called Hashimoto “a rare combination of a scholar, a very skilled lawyer, a very skilled teacher, and deeply committed as a person.”

He noted that Hashimoto received several awards for excellence at the University of Georgia, including one that was presented on the field at halftime during a Bulldogs football game. That award “was a big deal,” Hashimoto confirmed.

Hashimoto’s scholarship received the highest accolade on May 14, when Justice Ruth Bader Ginsburg quoted her article, “Resurrecting Autonomy: The Criminal Defendant’s Right to Control the Case,” in the majority opinion in *McCoy v. Louisiana*.

It’s happened before, Hashimoto said. The Court discussed her first scholarly article at oral argument and cited it in *Indiana v. Edwards* (2008).

Asked what she considers her greatest honor, she diplomatically demurred, saying it would depend on the observer.

“As to what is the most gratifying for me? It is the day to day. Watching my students grow and do spectacularly well,” Hashimoto said. “Watching my students brief and argue their cases this year has been incredibly gratifying.”

Professor Erica Hashimoto (left) with participants in the Spring 2018 Appellate Litigation Clinic. These included Carlton Tarpley (L’18), with fellow Anjali Prakash (L’22), and Jennifer Safstrom (L’18); Paola Pinto (L’18), Caleb Redmond (L’18), and Sean Stein (L’18); Harry Phillips (L’18) and Vetone Ivezaj (C’13, L’18); Dominique Rioux (L’18) and Benjamin Kurland (L’18).

Photo Credit: Sam Hollenshead; others courtesy of Erica Hashimoto.

CLINICS

Can Exculpatory Evidence Be Withheld?

Clinic Students Draft Brief for Full Fifth Circuit



In Professor Brian Wolfman's Appellate Courts Immersion Clinic, students Caitlin Anderson (L'18), Jarrett Colby (L'18), Joyce Dela Peña (L'18) and Ian Engdahl (L'18) drafted a brief on rehearing after *Alvarez v. City of Brownsville* was decided by a Fifth Circuit panel in June 2017.

The case was reheard "en banc" by the full Fifth Circuit in January 2017 — with the students' comprehensive brief now part of the record.

George Alvarez was arrested and jailed by the City of Brownsville, Texas, for intoxication and suspicion of vehicle burglary. While being booked, he was involved in an altercation with law enforcement officers in jail. He faced 10 years for assault on a public servant and pleaded guilty.

"Mr. Alvarez pleaded guilty even though he was innocent, because it would have been his word against the word of his accusers, all of whom were law enforcement officers," Colby said.

What Alvarez didn't know when he pleaded guilty was that police had a secu-

rity video of the incident, showing that the 17-year-old did not assault the officer. In fact, the officer used force against Alvarez in an attempt to move him into a jail cell. Not until another inmate filed a lawsuit against the city did the exculpatory video surface. By the time Alvarez was released on a habeas petition, he had served four years for a crime he did not commit.

Alvarez sued, alleging that the city and its officers violated his constitutional rights by failing to disclose the video before he entered the plea deal. A federal trial judge agreed and a jury awarded him \$2 million.

But in 2017, a three-judge panel of the Fifth Circuit reversed, holding that due process did not require the city to disclose an exculpatory video before entering into a plea agreement. Alvarez and the students disagree.

"He had been picked up for alleged public intoxication," Dela Peña said. "This is a 17-year-old kid who was looking at a possible 10-year sentence. It's just not right."

How big is this case? Anderson noted that 95 percent of state and 97 percent of federal cases are resolved by plea bargain. "In a plea deal, there isn't really the kind

of equal power that you'd expect in a typical contracting situation, for example, so the government can induce people to plea by offering them lighter sentences...," she said. "But studies show that in some situations, that has caused innocent people to take guilty pleas."

And the problems of plea bargains, Anderson said, disproportionately impact people who are already disadvantaged by the criminal justice system, including low-income defendants and people of color. "Access to counsel, access to exculpatory information, as in this case, could affect whether a defendant would choose to take a plea or not."

HIGHLIGHTS

When the clinic began in Fall 2017, Anderson, Colby, Dela Peña and Engdahl began researching, writing and familiarizing themselves with the law. Clinic Fellow Wyatt Sassman played an important supervisory and mentoring role.

"As someone who came to law school knowing that I want to litigate public interest cases, I was raring to get out of class and into more experiential settings — where I could be applying what I had learned, honing my skills, and doing work that has a tangible impact," Dela Peña said. "Every opportunity to do that has been a highlight of my Georgetown career."

When the Fifth Circuit granted the clinic's motion to rehear the case, the students got the opportunity to draft the brief, which the clinic filed with the court in January 2017.

"In *United States v. Ruiz*, the Supreme Court was presented with the general question of whether people have a right under *Brady v. Maryland* to disclosure of exculpatory information before accepting

a plea agreement,” Engdahl said. “But the Court narrowed the question...and only decided that there is no right to impeachment evidence, leaving open the question that this case presents — can exculpatory evidence be withheld in plea negotiations?”

The en banc court, unfortunately, would reject Alvarez’s claim. But several judges dissented in a detailed opinion that one day may serve as a blueprint for the right to disclosure in plea bargaining. Alvarez has been left empty handed despite serving four years for a crime he did not commit. Yet for the students, it was a valuable learning experience.

“Before coming to law school I had worked at a firm, and had worked with Brian [Wolfman] on a couple of different cases, so I knew how good of a litigator he was, what his style would be, and I thought he would be a great professor,” said Engdahl, who will be joining Hausfeld in D.C.

“I liked the idea of being completely immersed in law practice and the opportunity to strengthen your writing as much as possible... It’s amazing training for when you actually start practicing,” said Dela Peña, who will be clerking at both the D.C. Court of Appeals and the U.S. District Court for the District of Columbia.

“The opportunity to work full-time on litigation, and especially appellate litigation, was really attractive,” says Colby, who will be heading to Davis Polk and Wardwell in Washington, D.C. “Litigation is what I want to do, so doing that five days a week, full time, and getting course credit for it is an amazing opportunity.”

Appellate Courts Immersion Clinic students Ian Engdahl (L’18), Joyce Dela Peña (L’18), Jarrett Colby (L’18) and Caitlin Anderson (L’18). Photo Credit: Ann W. Parks.

SUPREME COURT

It Is the Process That Gives Me Hope

Professor Neal Katyal, Counsel of Record in *Trump v. Hawaii*, Reacts to SCOTUS Decision



In the spring of 2018, the Supreme Court heard oral argument in the case of *Trump v. Hawaii* — with Professor Neal Katyal, co-head of the appellate practice at Hogan Lovells, arguing as counsel of record for the State of Hawaii. Katyal’s brief asserted that the most recent version of President Trump’s “travel ban” — placing entry restrictions on the nationals of eight foreign states — exceeded the president’s authority under the nation’s immigration laws as well as the Establishment Clause of the U.S. Constitution.

But on June 26, the Supreme Court held in a 5-4 decision that the president lawfully executed the broad discretion granted to him under the Immigration and Nationality Act (INA) to suspend the entry of aliens into the United States; and that the plaintiffs have not demonstrated a likelihood of success on the merits of the claim that the travel ban violated the Establishment Clause.

In a public statement after the decision, Katyal said: “In this case, it was not the decision but the process that defines America and that gives me hope.”

“Though I am disappointed in the outcome, I am heartened that our system of government worked as the founders have intended,” Katyal continued. “Over the past year, a suit brought by ordinary Americans has made its way through the federal courts, and at every step the judiciary forced the White House to amend their travel bans to bring them more in line with our Constitution. While we continue to believe that this third version fails that test, there is no question that by striking down the first two travel bans, the judiciary forced a recalcitrant administration to at least give its order the veil of constitutionality.”

Katyal, who served as acting solicitor general in 2010-2011 and is now faculty director of Georgetown Law’s Institute for Constitutional Advocacy and Protection, said after the decision that he was particularly grateful to the faculty colleagues and students “who gave me so many ideas and encouragement over the last many months litigating this case.” At the time of oral arguments in April, Katyal noted that the faculty and the school’s Supreme Court Institute were essential in helping him think about the case [see feature p. 30.] “Georgetown is truly the best place to learn about and to influence the law,” he said.

Photo Credit: Brent Futrell

PUBLIC HEALTH

“A Civil, Civic Conversation”

Parkland, Georgetown Law Student Speak at O’Neill Institute Panel on Gun Violence, Health & the Second Amendment

“I want this conversation to model what this conversation should be, but hasn’t been, in the United States...I want to find common solutions to a problem that everyone, whether on the left side of the political spectrum or the right, has to be worried about — because it’s our kids.”

“February 14 was supposed to be a day of love and happiness...” Dara Jaffe, a freshman at Marjory Stoneman Douglas High School in Parkland, Florida, said at Georgetown Law on March 26 — speaking just days after the March for Our Lives demonstrations in Washington, D.C., and around the world.

On Valentine’s Day, as the 15-year-old told the audience, a former student entered the school and killed 17 students, faculty and staff with an AR-15. “On February 14th, I ran for my life...our friends, families and teachers were lost to us forever.”

Georgetown Law student Scott Novak (L’20), a gun violence prevention advocate, lost two friends in the Pulse Nightclub shooting in 2016. Because of the power of the weapon, one friend was shot eight times. “I don’t believe civilians should have such easy access to those kinds of weapons,” he said.

Jaffe and Novak spoke at “Gun Violence: Public Health & the Second Amendment,” co-sponsored by the O’Neill Institute for National and Global Health Law. The event was filmed by C-SPAN.

University Professor Lawrence Gostin, faculty director of the O’Neill Institute, moderated the discussion with the students; Cato Institute Fellow Trevor Burrus; Liza Gold, clinical professor of psychiatry at Georgetown University’s School of Medicine; and Katie Whitaker of Moms Demand Action (also an alum of Marjory Stoneman Douglas High School).

“I was [at March for Our Lives] and it was truly inspirational...because it was led and articulated by the young people of America,” said Gostin, the O’Neill Professor of Global Health Law, as he introduced the discussion. “What wonderful brave, courageous leaders they are...they ought to be in the lead. They are, and they will be tonight.”

Every year in America, Gostin said, 38,000 people are killed by firearms, more than 100 human beings a day. Since the Columbine school shooting in 1999, 187,000 school children have been exposed to gun violence.

“We see it in schools, we see it in inner cities, we see it in accidental deaths of young children in the home, we see it in suicides, if there’s easy access to firearms...” Gostin said. “Following the March for Our Lives...we are going to have a civil, civic conversation about firearms and public health. I want this conversation to model what this conversation should be, but hasn’t been, in the United States...I want to find common solutions to a problem that everyone, whether on the left side of the political spectrum or the right, has to be worried about — because it’s our kids.”

PUBLIC HEALTH STRATEGY

That week, Gostin and Stanford’s Sarah Duranske published “The Second Amendment and a Well-Regulated Firearms Environment” in the *Journal of the American Medical Association* and a second article in *Health Affairs* — documenting the #NeverAgain Movement by Parkland students and proposing regulations for firearms that are consistent with the Second Amendment.

Gostin outlined a lawful public health strategy for regulating firearms that includes prohibiting violence-prone individuals from accessing them, universal background checks, safe storage and banning hazardous weapons. “[If] we know what works, [if] there are evidence-based laws and they are constitutional, why wouldn’t we, as a society, want to prevent avoidable injuries and deaths to our young people?” Gostin asked the panel.

The Cato Institute’s Burrus described the Second Amendment and what room it leaves for public health strategies. The Second Amendment does not include tanks, grenades, rocket launchers,



Student lie-in at the White House on February 19, 2018, organized by Teens for Gun Reform, an organization created by students in Washington, D.C., in response to the shooting in Parkland. Photo Credit: Lorie Shaul/Wikimedia.

and machine guns, but things in common use for self-defense. “It’s likely that a lot of gun regulations and person regulations pursuant to guns are constitutional — but we always have to remember that the right to self-defense is what the Second Amendment protects,” Burrus said.

Georgetown University’s Gold explored the role of mental illness, predictors and interventions. “We don’t have more mental illness in this country than in other countries; we don’t have more angry, violent people in this country than in other countries,” she said. “What we do have are more guns, and more access to guns, and more access to guns that kill more people more quickly.”

NEVER AGAIN

Jaffe described students’ lives in the aftermath of the shooting — returning to school, the empty spaces on the lunch benches, the flowers on desks. “Everyone says, ‘Never Again,’ and it’s already happened again...” she said.

Jaffe called for funding for better security measures, and a reexamination of mental health policies, among other things. “Arming teachers is nothing that any student wants...” she said. “Adding more guns to the schools is not going to fix the

issue...I want my generation to be the last group of students who have to march on Washington to protest for safe schools. I want legislators to vote for children, and not for guns or lobbyists. We want to be the drivers for change...we want to end gun violence. And if they don’t change, we will be the change that is needed.”

Novak, the Georgetown Law student, said that many of his friends are now advocates.

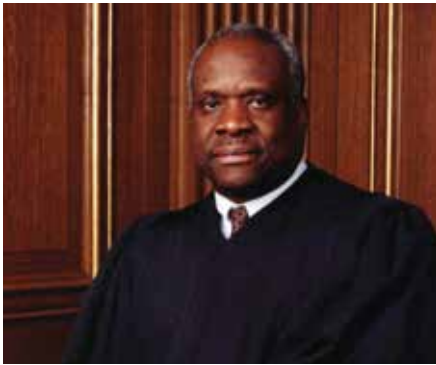
“You either become silent and live in fear, or you fight to try to make political leaders care about your lives...” he said. “They ignored Sandy Hook, when first graders were shot. They ignored us at Pulse, they’ve ignored so many other communities, why would this be any different? I think it is different...[the] high schoolers can organize, and they have organized...and they are speaking out, and they show no signs of stopping.”

Gostin said that with good science-based policy, we can make a difference. And Jaffe, the Parkland student, said that if one student’s life can be saved, it is worth it. “It’s sad, because I had to lose friends, so that we could march on Washington...so no one has to go through this.”

STUDENT ORGANIZATIONS

We Are All Textualists

Georgetown Law Chapter Hosts Federalist Society's 2018 National Student Symposium



Justice Clarence Thomas may disagree with some of his colleagues on points of law now and then, but the atmosphere at the Supreme Court is a civil one, he told law students from across the country, gathered for the 2018 Federalist Society National Student Symposium hosted by Georgetown Law on March 10.

“We can’t take ourselves seriously; we have to take the work seriously...” he said at a dinner at the nearby Hyatt Regency. “It is a civil environment. It seems around us in society, where if you disagree...you attack the character of the opponent, the intentions, the motives; you don’t look at the argument... I’m finishing a book on the Tudors, and the net result of that approach on our society is that we go back to the Tower of London [mentality]. It might not physically be that way...but the executioner executes them with words.”

Thomas — who chooses to speak only rarely at oral arguments — engaged in a 45-minute conversation with Professor Jennifer Mascott of George Mason University’s Scalia School of Law. They discussed topics such as growing up in the South, school days at Yale, cross-country travel, religious faith and constitutional interpretation.

“I was [once] asked whether or not I was a textualist, and I said, I think all of us are textualists — because if you are riding down the street, and you see a sign that says ‘stop,’ you stop...” Thomas said, to great applause. “You don’t...[say], I was looking at it more in a normative way.”

Regarding the late Justice Antonin Scalia, Thomas recalled his late friend’s way with words in a favorite dissent that called Thomas’s majority opinion a “[freedom-destroying] cocktail.”

“That was a good one...” Thomas said. “We went out for lunch at the end of the term, and he’s sitting there figuring out what he should drink, and I said, ‘Nino, [have a freedom-destroying] cocktail.’ I miss him a lot.”

Regarding diversity of law clerks, Thomas says he likes to see intellectual diversity and modest backgrounds. “You can get [law clerks] in a lot of different places, at different points in their lives. “You can get them out of NYU, you can get them out of Berkeley, you can get them out of [George Washington], you can get them out of Georgetown.”

Thomas, who has served as a professorial lecturer at George Washington Law, says he likes being around students. “I think we owe them more than a handshake...” he says. “It’s absolutely fascinating when you see eyes open...those are the things that really excite me, to see kids invested in learning.”

Rule of Law

The day started with an address by then-Attorney General Jeff Sessions on ending what he called “government by litigation” — nationwide injunctions such as those used to halt the travel ban and the end of the DACA program. “We believe

that our actions are lawful and within the powers of the chief executive,” he said. “We feel like in many instances a lot of [the courts’ actions] are outside proper law.”

The Department of Justice, Sessions said, has been fighting the “unprecedented number of limitless injunctions” in the courts — which has been a problem for the administrations of both political parties, he asserted.

“The increasing frequency of limitless injunctions is simply unsustainable...” he said, adding that the Supreme Court has not yet issued a definitive ruling on the merits of nationwide injunctions. “We are hopeful that the Supreme Court will soon send a clear message to the lower courts that injunctions ought to be limited to the parties in the case.”

Professor Randy Barnett, who introduced the attorney general, said that while he didn’t agree with all policy positions Sessions took as a senator, Sessions is “deeply committed to the rule of law.”

As Dean William M. Treanor noted at the close of the conference, each panel of the day offered a diversity of opinions and included many distinguished Georgetown Law faculty and alumni, as well as a powerhouse lineup of academics and state and federal judges. “Serious discussion, open debate is crucial to the rule of law,” Treanor said.

Transformative

Barnett, Associate Dean John Mikhail and Judge Thomas Hardiman (L’90) of the U.S. Court of Appeals for the Third Circuit led off the first panel looking at the relationship between the Declaration of Independence and the Constitution. Professor David Hyman appeared as part of a luncheon discussion on academia.

Meanwhile, Erin Murphy (L'06) of Kirkland & Ellis and Alan Gura (L'95) of Gura PLLC participated in a lawyers' discussion. Judge Diane Sykes of the U.S. Court of Appeals for the Seventh Circuit led a panel on the Fourteenth Amendment and the Constitution that included Professor Nicholas Quinn Rosenkranz and Elizabeth Wydra (L'09) of the Constitutional Accountability Center. And Judge Amy Coney Barrett of the U.S. Court of Appeals for the Seventh Circuit led a panel on constitutional amendments that included Professor Laura Donohue.

"It's been very much a Georgetown day," Treanor said on Saturday night, as he introduced Justice Thomas.

The conference opened on Thursday evening with a debate on the proper role of the judiciary — between Arizona Supreme Court Justice Clint Bolick and Ed Whelan, president of the Ethics & Public Policy Center. The debate was moderated by Judge Kevin C. Newsom of the U.S. Court of Appeals for the Eleventh Circuit.

Treanor thanked Georgetown chapter President Ethan Womble (L'18) and Symposium Chair Darina Merriam (L'19) for organizing the successful conference.

"I went to school with many of your founders...I had an opportunity to witness the creation and then the extraordinary growth of the Federalist Society, which has profoundly shaped the law more than I think any other organization, and now has 70,000 [members]," Treanor said. "This organization was launched by a small group of students. So when you, the students who are here, think about what you can do, this is it...how transformative your vision and your commitment is."

Photo Credit: U.S. Government/Wikimedia

JOURNALS

Scholarship, Tradition and Moving Forward

Georgetown Law Journal Hosts Sixth Annual Banquet



What is former Attorney General Eric Holder most proud of? The time he spent (more than 30 years) in government service.

His biggest regret? Not going to Georgetown Law — at least, that's what Holder, a dual Columbia University alum, joked to outgoing *Georgetown Law Journal* Editor-in-Chief Jennifer Ong (L'18), at the *GLJ*'s Sixth Annual Banquet on March 23.

Ong led Holder, the 82nd attorney general of the United States from 2009 to 2015 and a current partner at Covington & Burling, in a discussion on topics ranging from the need for Department of Justice independence, important decisions as attorney general, lifetime tenure for judges, gerrymandering, role models, plans for the future and challenges facing the DOJ today.

"The perception of independence and actual independence...an attorney general, every now and again, has got to say to the president, 'no,'" Holder said, when

asked about the biggest challenge — noting that he counts former AG Eliot Richardson, who stood up to President Richard Nixon, among his favorite predecessors.

M.J. Kirsch (F'13, L'19), the incoming editor-in-chief, shared her vision for the *GLJ*'s Volume 107 — maintaining the *Journal*'s strong tradition while "keeping the ship moving forward" in maintaining diversity in scholarship and membership. For the first time, the top three leadership positions at the *GLJ* are held by women.

"The *Law Journal* is such a source of pride for the entire community..." said Dean William M. Treanor at the start of the evening, noting the extraordinary speakers who have appeared at the banquet — justices and judges, solicitors general and more. "This is a great occasion."

Photo Credit: Bill Petros

ADMINISTRATIVE LAW

“The War on Regulation: Good for Corporations, Bad for the Public”

As Senator Elizabeth Warren (D-Mass.) observed — due to regulations enacted in the United States since the 1970s — a toaster with a one in five chance of burning down a house could hardly be sold on the market by the 2000s. Yet one in five mortgages had a chance of causing a family to lose a home.

“The United States government was the difference; regulations were the difference,” Warren said — speaking at “The War on Regulation: Good for Corporations, Bad for the Public” at Georgetown Law on June 5. The event was co-hosted by Georgetown Law and the Coalition for Sensible Safeguards.

“Government regulations ensured the basic safety of every product offered for sale — no lead paint in children’s toys, no medicines laced with rat poison, no cars without functioning brakes, and no exploding toasters,” Warren said.

But in 2007, there was no agency that would stop the sale of exploding mortgages — until Warren proposed the Consumer Financial Protection Bureau to promote fairness and transparency. “We fought and we won... [CFPB] has forced the big financial institutions to return \$12 billion directly to people who were cheated.”

That agency and others, however, are currently under attack.

“In agency after agency, across the federal government, powerful corporations and their [political] allies are working overtime to roll back basic rules that protect the rest of us...” she said. “They go on and on about how big government restricts freedom and makes it harder for businesses to succeed...how free would you be if companies were allowed to lie to you about their businesses...? How free would you be if no one had to wash their hands before they handled your hamburger? How free would you be if companies could pass off little white pills as antibiotics even if they weren’t?”

Professor Lisa Heinzerling, who has worked at the EPA, noted that the current deregulatory impulse “comes from the top down,” as Executive Orders attack regulations on topics ranging from the environment to airline safety.

“There is an unremitting focus on the cost to industry of keeping these rules in place — with zero attention, zero, to the effect on the public of removing these protections,” Heinzerling said.

Heinzerling, and later Professor William W. Buzbee, criticized Executive Order 13771, instructing agencies to cut two regulations for every new one they issue. The professors and the panelists noted that cost is not the only factor in regulation; communities, for example, will be exposed to higher levels of pollutants. The Office of Management and Budget’s own research has concluded that the benefits of regulation exceed costs. If jobs are lost in the lead paint industry, for example, opportunities are created with respect to lead paint alternatives.

Federal Register notices respecting proposed regulations are now careless with respect to basic administrative practices, Heinzerling says; and the government is violating the Administrative Procedure Act at every stage. “These are some of the new ways in which government is operating in this city.”

STATUTES RULE

Buzbee emphasized the importance of regulation and the regulatory rule of law.

“You hear so many attacks on regulation...but the basic attack is that regulation is wasteful and inefficient,” Buzbee said. “Yet [regulation] plays critical roles in protecting all of us, as you’ve just heard...”

Regulation, the rule of law, is about law as a guide and as a constraint. Whether it comes to health, the environment, savings, finances, and our nation's integrity, people have to respect the law's requirements. The rule of law means that law has to provide a few basic elements — you need legal clarity; people need to know what the law requires. You need procedural regularity; that means that everyone including agencies and the president abide by the procedural requirements set forth in the law.”

Procedural regularity, he said, includes transparency and the need for those affected to participate and provide data for the government to respond.

“The government needs to act based on science and data,” Buzbee said. “I’m not saying perfect science and data...[but] agencies cannot cherry pick their evidence, they cannot rely on bogus fringe views, but they need to use the best evidence at hand... Most critically, perhaps, is that statutes rule.”

There is an important role for litigation, Buzbee noted; an important role for professors to monitor participants; and a critical role for states, which can sue the federal government.

Maryland Attorney General Brian Frosh, the last speaker of the day, discussed how Maryland and other states are suing the federal government over matters including the travel ban; the Affordable Care Act; EPA rules; the census; and the Emoluments Clause.

“I think we’re looking at not just a war on regulations,” Frosh said, “but a war on science, a war on facts, and a war on the rule of law.”

Photo Credit: Brent Futrell



Professor, Alum React to *Gill v. Whitford* Gerrymandering Challenge

Distinguished Visitor from Practice Paul M. Smith had high hopes that the Supreme Court would declare the Wisconsin legislative districting plan — known as Act 43 — at issue in *Gill v. Whitford* an unconstitutional gerrymander. Smith argued the case before the Court on October 3, 2017.

But on June 18, the Supreme Court, in a unanimous decision, remanded the case to the District Court — not convinced that the plaintiffs, as individual voters in their own legislative districts, had standing to challenge the constitutionality of the statewide plan. The plaintiffs will thus get another opportunity to prove that they suffered “concrete and particularized injuries using evidence that would demonstrate a burden on their individual votes.”

Smith — who is vice president of litigation and strategy at Campaign Legal Center (CLC) in addition to teaching at Georgetown Law — said the case is “very much still alive.”

“We now have the opportunity to demonstrate the real and concrete harms that result from partisan gerrymandering in the lower court, the same court that struck down the Wisconsin mapping

scheme to begin with,” Smith said. The federal district court initially rejected the defendants’ standing argument and concluded that Act 43 was an unconstitutional partisan gerrymander. The Supreme Court agreed to review the case during the October 2017 Term.

But on the other side of the case was Misha Tseytlin (L’06), solicitor general of Wisconsin, for the appellants. Tseytlin maintained all along in Court — and in a briefing at Georgetown Law after the arguments — that individual voters lacked standing to challenge the map statewide; and that the case was nonjusticiable. Tseytlin’s Georgetown Law classmate, Erin E. Murphy (L’06), represented the Wisconsin State Senate as amicus curiae.

“I am pleased that the Supreme Court unanimously agreed with our argument that the plaintiffs failed to establish that they have standing to bring their unprecedented statewide redistricting challenge,” Tseytlin told *Georgetown Law* after the June 18 decision.

Photo Credit: Wisconsin State Legislature

NEWSMAKERS

In the News: Associate Dean John Mikhail, Genevieve Bentz (L'19)

A curious mind and a facility for language may be the hallmarks of a good lawyer. Fortunately, John Mikhail and Genevieve Bentz have those in spades. The two have been putting them to good use in service of perhaps the biggest — and most unexpected — case either will ever work on: a series of lawsuits against the sitting president of the United States.



“It began as mostly just curiosity,” said Mikhail about the research Bentz and he did on the founding-era meaning of the term “emolument.” “It was clear that as these cases unfolded, the courts would need to opine on the meaning of that term.”

As the poet William Carlos Williams might have said, so much depends upon a definition.

Mikhail, the Agnes N. Williams Research Professor and Associate Dean for Research and Academic Programs, and Bentz (L'19), his former student and research assistant, have spent countless hours poring over original historical documents — online, at university law libraries, even the holdings of the Folger Shakespeare Library; the writings of 18th century American, British, Dutch, and French political thinkers; and dozens of dictionaries, both

English and legal, from the 16th to the 19th centuries — to get at the answer to one seemingly simple question: what does the word “emolument” really mean?

The lawsuits, brought by private parties, the District of Columbia and the state of Maryland, and almost 200 members of Congress, hinge partly on the Constitution’s foreign emoluments clause (Article I, Section 9, Clause 8), which bars any federal officeholder from accepting “any present, Emolument, Office, or Title” from a foreign state.

The plaintiffs contend that, through ownership of his hotels, Donald Trump is profiting from unconstitutional emoluments. Trump’s lawyers respond that, because he has not received the payments in his “official capacity” as president, but rather as a private citizen, the income pertains only to his personal business. On

the basis of definitions found in a pair of eighteenth-century dictionaries, they further argued that the word “emolument” would have been understood by the founders to have an exceedingly narrow definition, limited to payments received in the discharge of the president’s official duties.

The government’s dictionary definitions, as it turns out, weren’t persuasive, and on July 25, U.S. District Judge Peter Messitte ruled that the case brought by D.C. and Maryland may go forward, citing Mikhail and Bentz’s far more exhaustive research 17 times in the process.

Bentz, who studied English literature at Princeton and took graduate classes in linguistic theory, reveled in the opportunity to put her background to good use.

“Our research has really shown that law can be both academic and really useful at the same time,” she said. “Something that can be really arcane can be surprisingly relevant.”

For Mikhail, who holds a Ph.D. in philosophy but spends much of his spare time these days researching constitutional history, the experience has been both exciting and enlightening.

“Working with Gen on this project was a blast,” he said. “Over time, it became clear to us that our dictionary research really might matter to the outcome of these cases, and that was exciting. It wasn’t just an academic question.”

GOVERNMENT

Congressional Oversight of the DOJ and FBI in the Trump Era



Administrations of both parties have traditionally kept the Department of Justice at arm's length, allowing investigations and prosecutions to run their course without political interference. But President Donald Trump has critiqued and commented upon the Department of Justice and FBI, their leadership and ongoing criminal and counterintelligence matters in unprecedented ways.

On Thursday, April 19, Georgetown Law's Center for Congressional Studies convened a forum featuring House Judiciary Committee Ranking Member Jerrold Nadler (D-N.Y.), former Rep. Tom Davis (R-Va.), Rep. John Sarbanes (D-Md.), bipartisan experts and scholars to discuss the president's break from the practices of his predecessors; and the role of congressional oversight in ensuring an independent DOJ and FBI.

"Oversight of the Department of Justice and the FBI is incredibly important..." Nadler said, adding that there are few tasks in our government more critical than ensuring the fair and impartial administration of justice. "We live in a time when both the DOJ and

the FBI are under attack by the president and the congressional majority...this assault has been aided and abetted by the majority in Congress."

Nadler called for Congress to pass the Special Counsel Independence and Integrity Act; to return to "regular order" on oversight; to have committee vote on subpoenas; to limit hypothetical assertions of executive privilege; and to enforce rules limiting communications between the White House and DOJ.

Professor Victoria Nourse, director of the Center on Congressional Studies and former counsel to Vice President Joe Biden, moderated the discussion. The panel also featured Professor David Vladeck (LL.M.'77), faculty director of Georgetown Law's Center on Privacy & Technology who is an expert on litigation involving minority party rights in the House; and Visiting Professor Mary McCord (L'90) of Georgetown Law's Institute for Constitutional Advocacy and Protection.

McCord, who served as former acting assistant attorney general and principal deputy assistant attorney general for

National Security until 2017, expressed concern with the president's relationship with the Department of Justice and FBI.

"Whether it's through the Tweets, the public statements, or comments of surrogates...his own views of the authority that he would like to have...over the Department in terms of actually playing a role in individual investigations — which investigations should be started, which investigations should be ended — that's not normal," she said, noting that every administration since Watergate has had strict rules and policies that govern the exchange of information between the White House and the Department of Justice.

While it is perfectly appropriate for the president to look to his political appointees at the Justice Department to carry out policy changes, guidelines strictly constrain communications between the White House and the DOJ and FBI with respect to specific investigations, McCord said. "That's for good reason."

Photo Credit: Brent Futrell



GLOBAL HEALTH

A Remarkable Discussion

Georgetown's Health Justice Alliance, O'Neill Institute Welcome World Bank President Jim Kim

When 2L student Brian Fiske (L'19) was growing up, he was aware that his grandfather, Tom White, was a generous man who wanted to give back to those less fortunate.

He remembers reading a 2001 article in *Time* about White's extraordinary philanthropy. And at his grandfather's house in Massachusetts, Fiske got to know several Harvard-trained doctors White was helping. One of the doctors was Jim Yong Kim, now president of the World Bank.

A 2017 documentary, "Bending the Arc," tells the amazing story of how, with White's financial support, Kim, Dr. Paul Farmer and activist Ophelia Dahl founded the NGO Partners in Health in the 1980s —

and ended up changing health care treatment models in poor countries around the world.

"For my family, this is a very moving and important film," Fiske said. "I thought it could have an impact on some of the law students."

So Fiske arranged to bring the film to Georgetown Law on March 7 for a screening, hosted by Georgetown's Health Justice Alliance and the O'Neill Institute for National and Global Health Law. Even better, Fiske also invited Kim, for a remarkable discussion.

"There's a lot of young people who have big ideas, and Paul and I and Ophelia of course had really big ideas," Kim said. "But nothing would have happened without Tom [White]."

"For my family, this is a very moving and important film ... I thought it could have an impact on some of the law students."

VISION

In the 1980s, White quietly began funding the work of Kim, Dahl and Farmer, who were doing extraordinary work saving multidrug-resistant tuberculosis (MDR-TB) patients in Haiti. A wealthy man, White didn't want to hoard money that could be used to help others.

At the time, the established medical community believed that the challenges and the costs of saving MDR-TB patients in resource-poor countries were insurmountable.

But Kim, Dahl and Farmer believed otherwise, creating a community treatment model that was later used to fight MDR-TB in Peru, Ebola in Rwanda and AIDS around the world. The three would change policies at the World Health Organization. And White was there, giving them the funds they needed to do their work. He is reported to have given away more than \$75 million before his death in 2011.

In a Q&A with White's grandson, Fiske, after the screening, Kim told young people not to misunderstand the lessons of the film.

"It's not that we were so enlightened and [others] were not," he said. "There were very established ways of thinking about issues... If you go around and talk to the HIV doctors who worked back then, every one of them has revised history and will tell you they were for HIV treatment. It's an absolute lie; they were not."

Back then, doctors said that treatment was not cost effective, Kim continued.



“[Cost effective] compared to what? There seems to be a ton of money to do silly things,” he said. “How can you look at 25 million people and say, I’m sorry — you’re all dead? We just think it’s too complicated?”

DOING THE IMPOSSIBLE

Professor Vicki Girard, who co-directs Georgetown’s Health Justice Alliance, welcomed guests along with co-directors Yael Cannon, visiting associate professor at the Law Center, and Dr. Eileen Moore, associate professor at the School of Medicine.

The Health Justice Alliance, a medical legal partnership between the Georgetown University Medical Center and Law Center, is striving to improve health by addressing determinants of health, such as decent housing, education and employment.

“We are like Jim Kim, doing the impossible,” Girard said. “We’re getting doctors and lawyers to work together on behalf of the same people, and all moving in the same direction.”

Moore said: “When you take the law students and medical students and put them together, [there is a kind of] magic.”

Photo Credit: Bill Petros

CENTERS AND INSTITUTES

An Earth-Shaking Decision

Center on Privacy & Technology Explores Implications of *Carpenter v. U.S.*



Ten days after the Supreme Court decided *Carpenter v. United States* — holding that the government’s acquisition of a criminal defendant’s historical cell phone records was a Fourth Amendment search — a group of experts gathered at Georgetown Law to discuss the implications with respect to location privacy.

“[These are] records maintained by phone companies, for all of our phones, detailing which cell towers are communicating with cell phones as users move about and use their phones,” explained Laura Moy, deputy director of the Center on Privacy & Technology. “In a 5-4 [decision], the Court held that yes, the government must get a warrant to obtain those records.”

Alvaro Bedoya, the founding executive director of the Center on Privacy & Technology, led a panel looking at the big picture implications of *Carpenter*. Nathan Wessler, an attorney from the American Civil Liberties Union who argued the case for the petitioner, called the decision “earth shaking.”

“It creates a tremendous space moving forward to more adequately protect the

kinds of sensitive information that we can’t avoid revealing about ourselves today...” he said. “The Court was very cognizant of the need to change and update and adapt our understanding of Fourth Amendment protections to take account of changing technologies.”

Professor Laura Donohue, “one of the nation’s foremost Fourth Amendment scholars” whose work was cited five times in the dissenting opinion by Justice Clarence Thomas, said that while the majority reached the right result, the decision raises many questions.

“While I think that this case did reach the right conclusions — there is a Fourth Amendment interest in cell site location information — I am deeply concerned about the way in which the decision was reached. We are left with tons of questions...,” Donohue said. “[W]hat makes something a distinct category of information? How do you determine which side of the line you are on? If you are on the wrong side of the line, how much information is too much information or not? How much weight do you give each of the factors?...[T]his is really one big mess.”

Photo Credit: M.O. Stevens/Wikimedia

CENTERS AND INSTITUTES

Turning Research into Action

Center on Poverty and Inequality Launches Gender, Justice and Opportunity Initiative

To hear her talk about rights for African American girls, discussing policy and speaking out on hot-button issues like gun control, one might think that Naomi Wadler is an incoming Georgetown Law student, with plans to change the world.

She is, in fact, already changing the world. Wadler's passionate speech against gun violence made headlines around the globe at the March for Our Lives rally in 2018. She organized a walkout at her Virginia school, despite opposition from school officials.

She may become an excellent lawyer — but not for another decade or so. Because right now, Wadler is 11 years old.

Wadler appeared at Georgetown Law on May 15 at the launch of the Initiative on Gender, Justice and Opportunity, a project of the Georgetown Law Center on Poverty and Inequality. Her presence was central to the event and a manifestation of the Initiative's guiding principles: that girls of color should take the lead in identifying responses and solutions to the challenges they face.

The Initiative will fortify and grow the Center's existing commitment to conducting research, engaging in advocacy and offering solutions to challenges in the lived experiences of marginalized girls in the United States. The Center will work with girls of color and launch a nationwide network that will provide resources on trauma-informed approaches in schools.

"Today, we are celebrating a new stage of the Center on Poverty's mission to support low income girls and girls of color," said Executive Director Rebecca Epstein.

MAKING A DIFFERENCE

The Initiative on Gender, Justice and Opportunity builds on years of work in support of girls who have been marginalized. The Center on Poverty and Inequality has hosted conferences and authored reports on how public systems can do better in their approach to girls, including groundbreaking research on the adultification of black girls and safety in schools.

The research found that black girls are five times more likely to be suspended than their white peers, and more likely to be disciplined for subjective offenses like disrespect and disobedience, due to discriminatory perceptions. The Center has turned that research into action, helping form national coalitions to advise on policy, and working with officials to better serve girls in the school and juvenile justice systems. The network already has 250 people signed up nationwide — ranging from school superintendents to mental health counselors to community liaisons.

The work of the network will be guided by an advisory council of girls. Wadler, Epstein said, is considering joining that council.

"We have a broad cross-section of [applicants] who are in a position to make a difference," said Epstein.

"DO SOMETHING"

In a special moment for Georgetown Law, Wadler was introduced by 16-year-old Elrika Edelman and her grandfather, Professor Peter Edelman — the faculty director of the Center on Poverty and Inequality.

In her remarks, Wadler praised the Center on Poverty and Inequality, noting that its reports "should be required reading for policymakers at the federal, state, and local levels."

In an interview with authors/scholars Monique Morris and Melissa Harris-Perry, Wadler urged the audience to "support girls in schools, advocate for better [and] more equitable disciplinary policies, represent girls who are targeted by resource officers and pushed toward expulsion."

And she had a special message for the lawyers in the room: "Don't just read all these terrible statistics and shake your head," she said. "Do something! You are lawyers!"

So would Wadler like to become a lawyer herself? She said after the event that law school was a possibility but admitted that her career plans change every few minutes. Would she like to go to Georgetown? "It has nice resources for its students," she observed. "[Scholars focus on] different topics — even if it's [a] really controversial topic — and I really appreciate that."



Professor Peter Edelman, faculty director of the Center on Poverty & Inequality, with granddaughter Ellika Edelman and 11-year-old activist Naomi Wadler; Executive Director Rebecca Epstein; authors/scholars Monique Morris and Melissa Harris-Perry. Photo Credit: Bill Petros.

CENTERS AND INSTITUTES

2018 “Color of Surveillance” Conference Examines Government Monitoring of American Religious Minorities

On June 26, the Supreme Court upheld Presidential Proclamation 9645, restricting the entry into the United States of persons from eight foreign states.

Often referred to as a “travel ban” or a “Muslim ban” (affecting predominantly Muslim countries), the measure was at least in part about surveillance, said Alvaro Bedoya, executive director of Georgetown Law’s Center on Privacy & Technology — as he introduced the 2018 Color of Surveillance conference examining government monitoring of religious minorities in America.

“In Proclamation 9645, the stated, given, reason for excluding four out of the five majority Muslim countries that the president banned was that we needed more information about their citizens,” Bedoya said at the July 19 event. “This is reflected precisely in the majority opinion from the Supreme Court.”

“Today, we will not look at the law behind the Muslim ban, or its claim to constitutionality,” Bedoya continued. “Instead we will look at the old and ugly idea behind it — that religious minorities are different and dangerous, and that they need to be investigated and watched.”

THE FEELING OF BEING WATCHED

The conference demonstrated that along with law and policy, art and culture can have an impact. Filmmaker Assia Boundaoui and her mother Rabia Boundaoui shared their experiences in a Muslim community in the Chicago suburbs in the 1990s, when FBI agents would come to their door, watch them from the street and even go through their trash. The

detrimental effect of surveillance on a community is documented in Assia’s film “The Feeling of Being Watched,” which premiered in October. Artist Adam Harvey, who designs clothing that addresses the rise of surveillance, also spoke at the event.

Poet Fatimah Asghar, who is Pakistani-Kashmiri-American, spoke with Renata Barreto of the Center on Privacy & Technology on her experiences in America after September 11, 2001. Asghar’s poems have been published in a collection called *If They Come For Us* (Penguin Random House, 2018).

“When I think about what allegiance means, I don’t derive allegiance from a nation-state or hope from a nation state,” Asghar said. “What I derive allegiance and hope from are [people who act]...I’m able to find hope in that, especially in tremendous darkness.”

“MOSQUE CRAWLERS”

Laura Moy, the deputy director of the Center on Privacy, talked to two persons who witnessed the surveillance of mosques by the New York Police Department, and fought back in the courts. Asad Dandia became a target of surveillance when he volunteered at a charity to assist underprivileged families. Farhaj Hassan, a member of the U.S. Army Reserves with a security clearance, stopped going to mosques in New Jersey for the sake of his military career when he learned it was being targeted by the NYPD. He later joined a lawsuit and won.

“We in the Army, we know what liberty is, because in theory, we defend it...” Hassan said. “The lawsuit and the

conclusion of the lawsuit shows me that if you speak out loud enough and for long enough, sooner or later you are heard by good people...who will help you out in retaining those liberties that are guaranteed to us...it was one hell of an experience being part of that.”

LEADING THE CONVERSATION

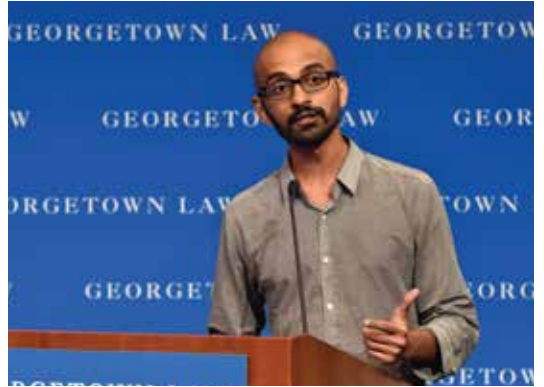
Bedoya noted at the outset that the purpose of the day was not to malign the U.S. intelligence community but to talk about the disparate impact of surveillance.

“That impact is real and it persists, and we have to talk about it now of all times,” Bedoya said, “because the voice that calls the Special Counsel’s investigation a ‘witch hunt’ is the same voice that calls immigrants ‘animals’ and Muslims ‘terrorists.’ Now is not the time to stop talking about how our government treats ‘the other.’”

Dean William M. Treanor noted that the Color of Surveillance series, now in its third year, explores the intersection of religion, race and surveillance.

“It is very appropriate that we host this here at Georgetown, because it aligns powerfully with what we see as Georgetown Law’s social justice mission,” Treanor said. “[After] the Supreme Court’s decision in *Trump v. Hawaii*, which upheld the president’s directive to restrict travel from...Muslim-majority nations, it is imperative that the academy grapple with our government’s relationship [to religion and race.]”

Photo Credit: Bill Petros



RULE OF LAW

The Framework of Our Democracy

Sally Yates Hosts “Democracy in the Balance”



Former Deputy Attorney General and Georgetown Law Distinguished Lecturer from Government Sally Q. Yates hosted “Democracy in the Balance: The Essential Role of Democratic Institutions and Norms” at Georgetown Law on April 26.

“We’re not here today to debate any policy issues, and we’re certainly not here today to have a political contest,” Yates said. “We’re here today to talk about the framework of our democracy — the democratic institutions and norms that transcend any policy issues or any party affiliation — and without which, we devolve into something less than what our founders created, what our soldiers have given their lives to protect, and what our future generations deserve.”

The half-day conference featured panel discussions on the importance of a free press, the rule of law and an independent judiciary

— exploring current challenges to longstanding democratic institutions and norms in the United States.

Experts included U.S. judges, former White House and Department of Justice officials, scholars and journalists. “It’s this diversity of political perspectives that demonstrates that the responsibility to preserve the pillars of our democracy falls to each and every one of us,” Yates said. “No one gets a pass because of their party affiliation. Presidents from both sides of the aisle have cautioned that the continued strength of our democracy is contingent upon our active participation.”

The rule of law panel included former Solicitor General Donald B. Verrilli Jr., who served during the Obama Administration; John Bellinger, former legal adviser for the State Department under President George W. Bush; Robert Bauer,

former White House counsel under President Barack Obama; and Harvard Law Professor Jack Goldsmith, former head of the Office of Legal Counsel under George W. Bush. The group discussed the relationship between the Department of Justice and the White House historically and how that relationship is operating now.

Professor Martin Lederman led a panel on the importance of an independent judiciary, which included Judge Paul Friedman of the U.S. District Court for the District of Columbia; retired U.S. Circuit Court Judge Timothy Lewis and retired judge Patricia Wald of the U.S. Court of Appeals for the D.C. Circuit. The group looked at the effect of attacks and praise of judges for their decisions; the independence of state and federal judges; and threats to the public’s view of the judiciary.

Yates agreed at the conclusion of the day that despite the current challenges, our institutions are basically holding. Nevertheless, “holding really isn’t good enough, because public confidence in these institutions is equally important to the health of our democracy...” she said. “Democracy is not a spectator sport...the continued vitality of our democracy requires that all of us participate, and all of us pay attention, and all of us make a difference.”

“Democracy is not a spectator sport...the continued vitality of our democracy requires that all of us participate, and all of us pay attention, and all of us make a difference.”

Photo Credit: Hilary Schwab



“This is not a time to give up”

Senators Cory Booker, Tina Smith Talk Access to Medicines

“This is not a time to curl up, to shut up, to give up — it is a time to stand up, to speak up, and to rise up...” Senator Cory Booker (D-N.J.), said, speaking at Georgetown Law on June 28.

“What Frederick Douglass said years ago is 100 percent true — if there is no struggle, there is no progress. [When] I think about all the great struggles for justice in our country’s history, it wasn’t a bunch of men standing around in Washington deciding, ‘You know what? It’s about time that women get some rights to vote. [African Americans] deserve some civil rights.’”

Powerful words — at a conference on affordable medicine sponsored by the nonprofit consumer rights advocacy group Public Citizen and held at Georgetown Law. Why talk about the history of civil rights? Because to many, including Booker, health care is a human right.

“You cannot have life, liberty and the pursuit of happiness without health coverage...” Booker said. “What justice is there if families in my community literally cannot afford to buy their prescription drugs?... We have a nation that is doing things so backwards that we would rather pay so much more [in] cost by not affording people health care than by affording people health care in the first place.”

One of the newest members of Congress, Senator Tina Smith (D-Minn.), discussed legislation to increase access to medicines and disputed arguments that high prices are necessary because of middlemen and investment/innovation: “We have got to hold the big drug companies accountable for the prices that they set — basically whatever price they want.”

Matthew Kavanagh, visiting professor and the program director of the Global Health Governance

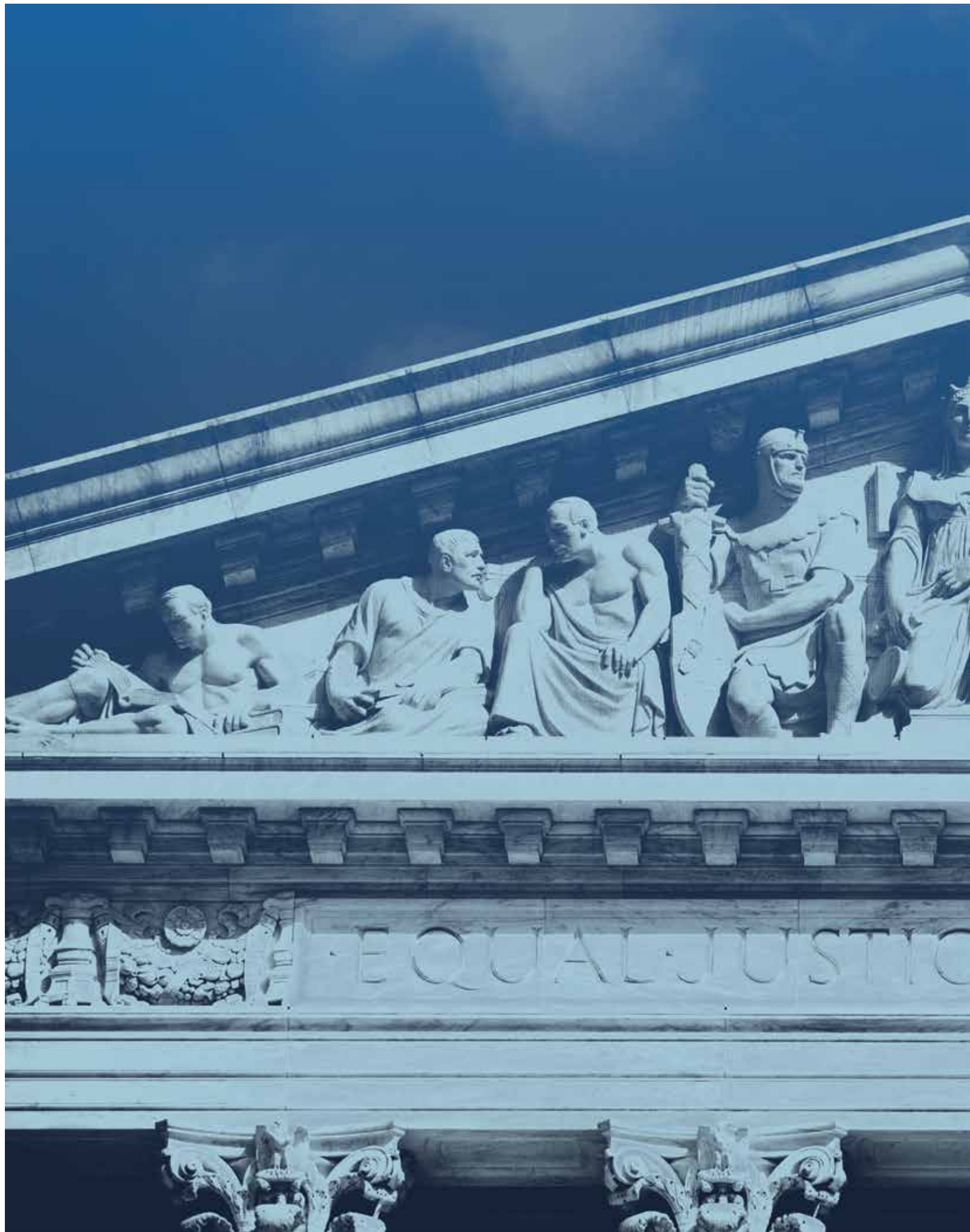
and Policy Initiative at the O’Neill Institute for National and Global Health Law at Georgetown Law, spoke on a panel providing perspectives on the movement for affordable medicines.

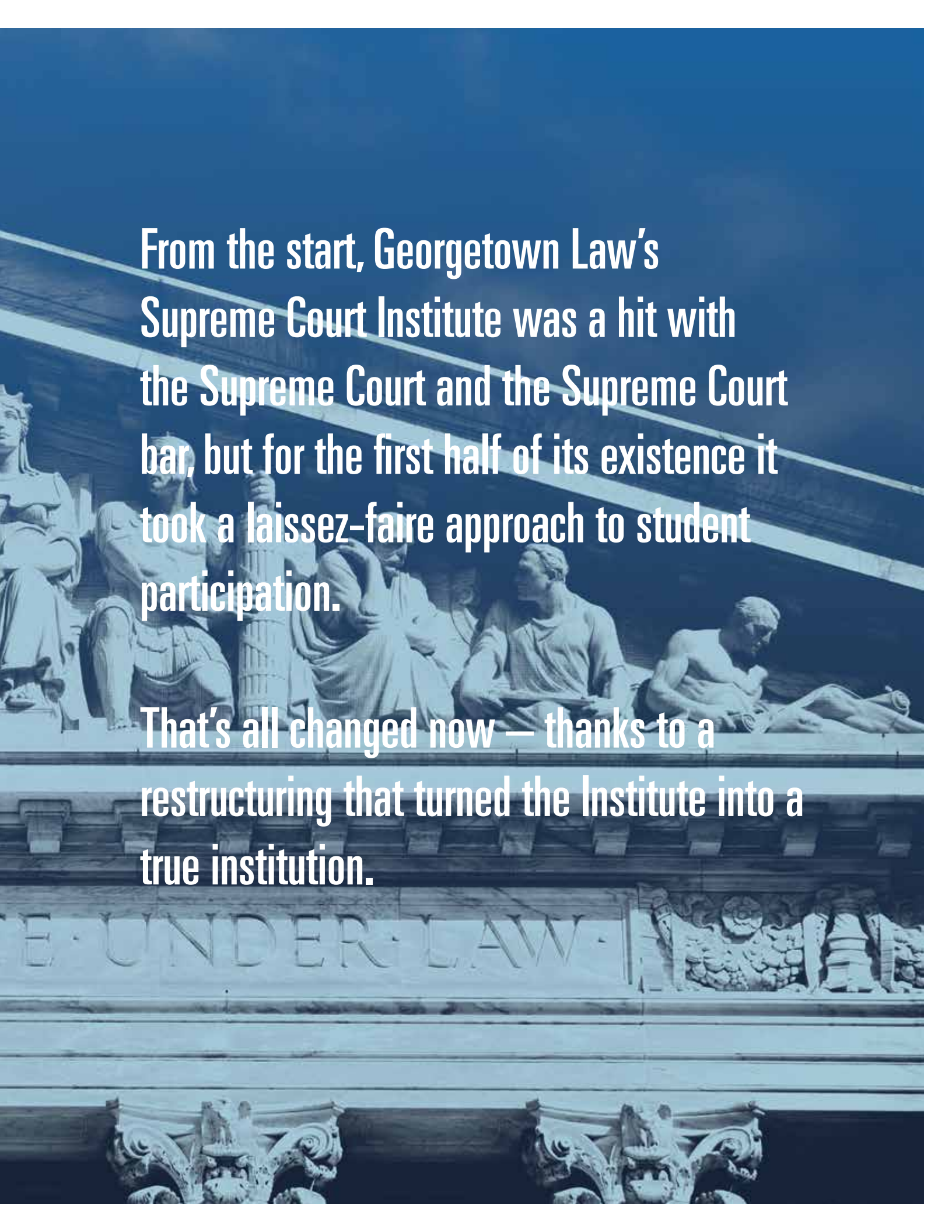
Looking at how change happens, Kavanagh pointed to activists in India who made sure that the laws reserved control over the granting of drug patents while complying with international IP law.

“They were able to push the drug companies to make [the HIV drug Tenofovir] more affordable, they were able to [challenge the patent], and they were able to build campaigns [so that] the pharmaceutical company brought down the price...,” Kavanagh said. “An entire government supported the push to make it available.”

Photo Credit: Brent Futrell

“What Frederick Douglass said years ago is 100 percent true — if there is no struggle, there is no progress.”



A blue-tinted photograph of a classical building facade. The image shows a row of statues on a ledge, with a frieze below them containing the words "E UNDER LAW". The background is a clear blue sky.

From the start, Georgetown Law's Supreme Court Institute was a hit with the Supreme Court and the Supreme Court bar, but for the first half of its existence it took a laissez-faire approach to student participation.

That's all changed now — thanks to a restructuring that turned the Institute into a true institution.

The School for SCOTUS



Professor David Cole — on leave from Georgetown Law to serve as the national legal director for the American Civil Liberties Union — argued in the Supreme Court for the private respondents Charlie Craig and David Mullins in the case of *Masterpiece Cakeshop v. Colorado Civil Rights Commission* on December 5, 2017. After oral arguments, he faced the press — with Nina Totenberg of National Public Radio.

By Barbara Grzincic

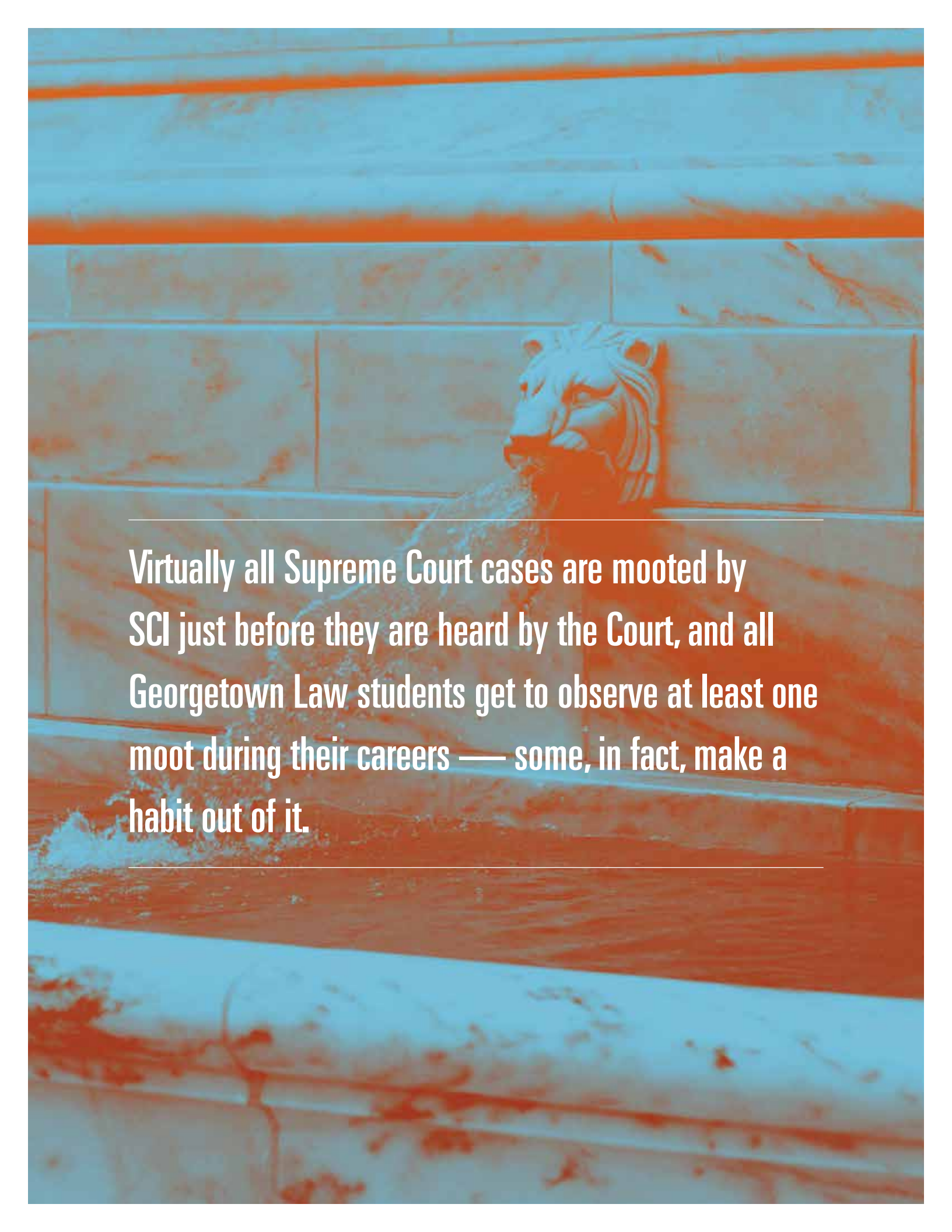
Professor David Cole arguing in *Masterpiece Cakeshop*. Professor Neal Katyal arguing against the travel ban. Professors like Brian Wolfman and Urska Velikonja, who are keeping up with the latest Supreme Court developments — sometimes arguing, sometimes having students write briefs or working on amicus briefs themselves.

Want a professor who knows what it's like to clerk on the Supreme Court? Georgetown Law has 17 of them. Take Administrative Law with Professor Eloise Pasachoff or Civ Pro with Professor Kevin Arlyck — both clerked for Justice Sonia Sotomayor. Professors Susan

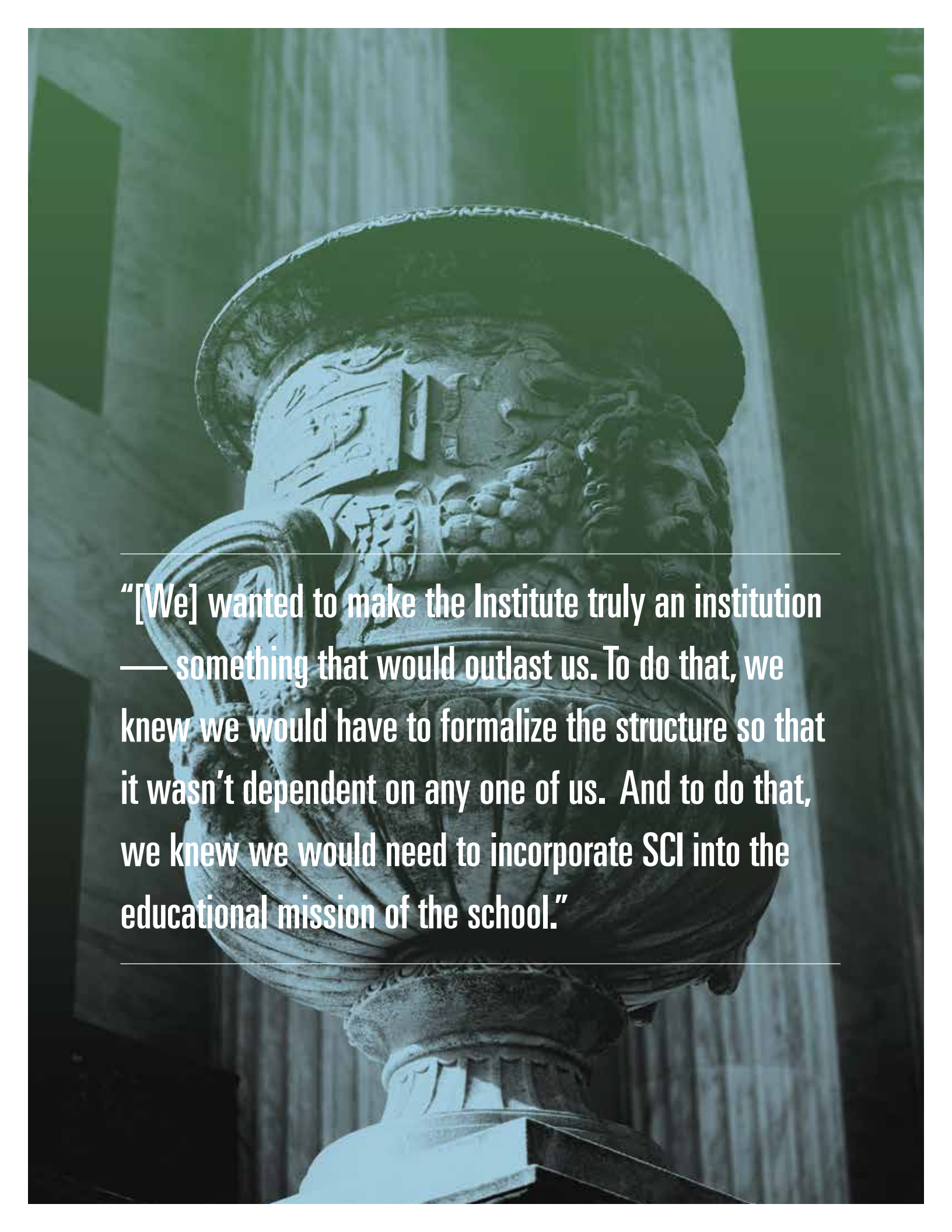
Bloch, Sheryll Cashin and Louis Michael Seidman all clerked for the late Justice Thurgood Marshall. Maybe your national security professor will be Laura Donohue, whose work was cited by Justice Clarence Thomas in *Carpenter v. United States* in June. Maybe your clinic professor will be Erica Hashimoto, whose scholarship was recently quoted by Justice Ruth Bader Ginsburg in *McCoy v. Louisiana*.

Want a network of alumni who know their way around the Court? Georgetown alumni argue on behalf of private clients, for states or for the Solicitor General's office — even turning the Supreme Court into an intramural court, as when Misha Tseytlin (L'06) and Erin Murphy (L'06) squared off against Distinguished Visitor from Practice Paul Smith in the Wisconsin gerrymandering case. Lecturer Paul Clement (F'88), the former U.S. Solicitor General, teaches a separation of powers seminar here. While we are still waiting to see a Georgetown Law alum on the Court — the late Justice Antonin Scalia (C'57) was a Hoya undergraduate — the current justices are always welcome visitors on campus. In recent years, students have often witnessed Dean William M. Treanor, Professor Emerita Wendy W. Williams and Adjunct Professor Mary Hartnett interviewing Justice Ruth Bader Ginsburg, whose late husband Marty was a beloved Georgetown Law tax professor.

(Continued p. 35)

A stone lion sculpture is mounted on a wall, with water flowing from its mouth into a stone basin below. The scene is overlaid with a semi-transparent orange and blue gradient. The text is centered over the image.

Virtually all Supreme Court cases are mooted by
SCI just before they are heard by the Court, and all
Georgetown Law students get to observe at least one
moot during their careers — some, in fact, make a
habit out of it.



“[We] wanted to make the Institute truly an institution — something that would outlast us. To do that, we knew we would have to formalize the structure so that it wasn’t dependent on any one of us. And to do that, we knew we would need to incorporate SCI into the educational mission of the school.”



Professor Richard Lazarus, now of Harvard Law, came up with the idea in the fall of 1998 to create a Supreme Court Institute at Georgetown Law. Professor Steve Goldblatt (L'70), a cofounder, continues to serve as faculty director of the Institute.

And then there's Georgetown Law's amazing Supreme Court Institute.

Nearly 20 years after its founding, SCI, now run by Director Dori Bernstein (LL.M.'89) and Executive Director Irv Gornstein, has become a Washington, D.C., mainstay, known by neophyte and seasoned Supreme Court practitioners alike. The best practitioners in the area volunteer to be "justices," and the real Justices sing its praises.

Virtually all Supreme Court cases are mooted by SCI just before they are heard by the Court, and all Georgetown Law students get to observe at least one moot during their careers — some, in fact, make a habit out of it.

Becca Cooper (L'18) and Levi LaChapelle (L'19), students in SCI's unique Judicial Clerkship Practicum in Spring 2018 [see page 36], say SCI was a factor in choosing Georgetown Law. Classmate Maggie O'Neil (L'18), meanwhile, was interested in the totality of the school's Supreme Court connections.

"If you're interested in constitutional law," O'Neil said, "why wouldn't you go where you'll be taught by the people who are making it?"

Dean Treanor says that SCI has cemented the school's considerable relationship to the Supreme Court, which helps to attract the best students to Georgetown Law.

"It's an outstanding opportunity to learn, at the highest level, how appellate advocacy works, and it's an educational experience that can't be replicated elsewhere, given our location, our connections to the Supreme Court and to the lawyers who argue there," Treanor said.

"But beyond all that, it's just incredibly cool," the dean continued. "Where else are you going to get to see the best advocates rehearse their Supreme Court argument and then talk about it for an hour afterward?"

A Flipchart, a Marker and a Mandate

It was an idea born of pressure.

Take 30 law professors, circa fall 1998, and rope them into serving on the Faculty Long-Range Planning Committee. Seat them in a big square on the fourth floor of McDonough Hall. Add one deputy dean, equipped with a flipchart and a marker, and have her go around the square with one demand: come up with a "big, hairy audacious goal."

That's the scene that Professor Richard Lazarus, now of Harvard Law, described at SCI's end-of-term reception in April.

(Continued p. 38)

The Clerks

All Georgetown Law students get to watch the moots. Only a select few get to participate — and, in the process, to affect what ultimately happens at the Court.

In her Supreme Court Institute (SCI) Judicial Clerkship Practicum, Director Dori Bernstein (LL.M.'89) assigns eight students to act as clerks for eight of the most experienced SCI “justices” on one case apiece. They analyze the briefs, identify interesting or thorny issues, write a bench memo, discuss the case with their justice and respond to any concerns he or she may have.

“It’s one of the coolest opportunities at Georgetown, and that’s saying a lot,” said Gregory Carter (L’18), who clerked for Distinguished Visitor from Practice Paul M. Smith. To Becca Cooper (L’18), who clerked for Professor David Vladeck (LL.M.’77), helping a Supreme Court advocate was a “welcome dose of reality.”

The students see the fruits of their labor during the moot. “Many of the questions I raised in the bench memo to Professor (Michael) Gottesman were questions he put to the advocate,” said Maggie O’Neil (L’19).

Sometimes, the evidence is more direct: Danielle Sochaczewski (L’19) enjoyed a rare “shout out” when her “justice,” Ruthanne Deutsch (L’04, LL.M.’16), told the advocate that her “brilliant law clerk” had pointed out a counter-argument.

And Levi LaChappelle (L’19), who clerked for Professor Irv Gornstein, got to express his concerns directly to the advocate. During post-moot comments, “the incredible” Pamela Karlan of Stanford Law took the highly unusual step of asking the audience for their thoughts on an issue, he said.

“Because that was my case, I had noticed a spot where I thought she might get backed into a corner,” LaChappelle said. “She heard me out and immediately turned to the panel to discuss it.”

Throughout the practicum, Bernstein brings in speakers to discuss practical and ethical considerations for judicial clerks. Self-proclaimed “appellate law nerd” Joyce Dela Peña (L’18), who has judicial clerkships lined up for the next two years, found that most useful.

Fourth U.S. Circuit Judge Pamela Harris (a former Georgetown Law visiting professor who once served as executive director of the Supreme Court Institute)

“came and brought her clerks with her. She was very candid about her expectations, how chambers should be run and what everyone’s purpose is,” said Dela Peña, who clerked for Professor Martin Lederman. “I feel like I’m much better prepared for my own clerkships now.”

Carter (L’18), who wants to work with juveniles, agreed — even though his present clerkship for D.C. Superior Court Judge Julie Becker, on the Domestic Relations & Neglect calendar, is “nothing like the practicum. It’s much faster-paced, even chaotic at times,” he said.

“The practicum helped me understand the role of a clerk, and how to interact with a judge,” he said. “It also developed my ability to read or hear a persuasive argument and put it in context, and to evaluate the strength of an advocate’s position by seeing how he or she responds to the other side’s argument. That’s not a skill I had coming into law school.”

The practicum also comes with a bonus: Clerks are invited to SCI’s end-of-term reception, where they mingle with the Supreme Court bar and, this year,



Chief Justice John Roberts and Justice Elena Kagan. That was a “real star-struck law-student moment,” Dela Peña said.

Without exception, though, the students said the best fringe benefits of the course were the one-on-one discussions with their “justices,” and being taught and mentored by Bernstein.

“I expected it to be academically rigorous, and it was,” said Caroline Boisvert (F’13, L’18), who worked with Professor Steven Goldblatt. “What surprised me was the amount of space he and Dori provided for introspection and personal growth — or thinking about how the law is shaped, and about the role of the advocate in shaping it.”

Bernstein reserves the practicum’s last session for “life lessons,” or as she put it, “telling them what I wish somebody had told me: what’s important, what not to get distracted by. I don’t think they hear that from their other professors.”

Her approach extends outside the classroom as well.

“A lot of professors will say, ‘stop by during office hours’ or ‘come see me if you have a question,’” said Cooper. “Only Dori says, ‘There’s candy in my office, please come by and chat.’ You don’t need a reason to go talk to her. That’s very powerful.”

Students from the Supreme Court Institute Judicial Clerkship Practicum with Justice Elena Kagan. From left: Joyce Dela Peña (L’18), Greg Carter (L’18), Justice Kagan, Levi LaChappelle (L’19), Danielle Sochaczewski (L’19), Caroline Boisvert (L’18) and Maggie O’Neil (L’19).



Pamela Harris, now a judge on the U.S. Court of Appeals for the Fourth Circuit, served as executive director of the Supreme Court Institute from 2009 to 2010. Professor from Practice Irv Gornstein is the current executive director.



(Continued from p. 35)

Held each year after the Court’s last argument, the celebration, alias “Prom,” honors a leading member of the Supreme Court bar, not infrequently a Supreme Court justice or an appellate judge. A quintet of U.S. Circuit Judges Pamela Harris, Patricia Millett, Nina Pillard, Sri Srinivasan and Richard Taranto — all “SCI Alumni” — were honored together in 2015.

This year, Lazarus and Professor Steven Goldblatt (L’70) shared the spotlight as SCI’s founders, collecting accolades while Chief Justice John Roberts Jr., Justice Elena Kagan and other luminaries of the Supreme Court bar looked on.

But a spotlight was nothing Lazarus wanted on that fall day in 1998. As then-Deputy Dean Wendy Collins Perdue made her way around the square, he had to think fast.

“I blurted out that we should create a ‘Supreme Court Institute,’” Lazarus said. It would be a “hat trick,” he said: it would promote better advocacy before the Court, advance the existing Supreme Court scholarship and moots by Georgetown faculty and provide a great educational opportunity for students.

The meeting adjourned, and Lazarus didn’t give it another thought for six months — until he was called into the office of then-Dean Judith Aren.

“Do that,” she told him.

SCI made its official debut in September 1999, with two moots — including one for Roberts, then with Hogan & Hartson, representing the respondent in *Rice v. Cayetano*, Lazarus said.

What saved SCI from being merely “a damn good idea” was that Goldblatt “kept volunteering to do moots, and he was terrific, in every way,” Lazarus said. “We never had a formal discussion about Steve being co-director; we did not need to. ... We forged a partnership.”

But the best thing the partners did for SCI — and for the education of Georgetown Law students — would come years later.

“Richie (Lazarus) and I both wanted to make the Institute truly an institution — something that would outlast us,” Goldblatt said. “To do that, we knew we would have to formalize the structure so that it wasn’t dependent on any one of us.

“And to do that,” he said, “we knew we would need to incorporate SCI into the educational mission of the school.”

The Missing Piece

For its first decade, SCI steadily built the caliber, number and reputation of its moots. By 2005, it was mooting two-thirds of all cases heard by the Supreme Court; by 2009, it was around 90 percent and rising, to 100 percent for the 2016 Term and 98.4 percent last year — 62 out of 63.

Clearly, the moots were a hit. Student attendance, though, was hit-or-miss: SCI relied on other professors and “word of mouth” to bring them in.

“We always had the sense that this was great learning material,” Goldblatt said. “It’s the closest thing to a laboratory you’ll find in a law school: Students get to see Supreme Court advocates lay out what they consider to be their best arguments, see what works and what doesn’t, and adjust accordingly. A week later, they can walk 10 minutes to the Court, or pull up the audio of the recording, and see the result.”

For students who made it to the moots, they could be memorable. Washington, D.C., Solicitor General Loren AliKhan (L’06) remembers watching Frank Dunham Jr.’s moot in *Hamdi v. Rumsfeld*, arguing that U.S. citizens don’t lose their due process rights when they are accused of being enemy combatants.

Erin Murphy (L’06), now of Kirkland & Ellis, credits Lazarus’ Supreme Court Advocacy class and SCI with giving her a “front row seat to the world of the Court” that “started me down the path to getting the great privilege to argue before the Court myself.”

(Continued p. 41)

The First-Timers

A record 49 percent of the moots held at the Supreme Court Institute last term were for “first-timers” — by definition, attorneys who had never argued in the Supreme Court.

But it’s a very broad definition.

Loren AliKhan (L’06), the solicitor general of Washington, D.C., had written “tons” of merits briefs, helped colleagues prepare for their high court arguments, and had been second chair in about 10 Supreme Court cases before her first argument in November 2017, *Artis v. D.C.*

Jessica Ring Amunson (C’95 M.A.’97) co-chairs the Appellate and Supreme Court Practice at Jenner & Block and was second chair to her mentor, Professor Paul Smith, when he argued *Gill v. Whitford*, the Wisconsin gerrymandering case, on October 3, 2017. The next day, she argued *Class v. U.S.*

Matthew Fitzgerald, of McGuire Woods in Richmond, had clerked for Justice Clarence Thomas in the 2010 Term, but his “first” was *Collins v. Virginia*, heard in January. He also did moots in Richmond, but “Richmond is not full of Supreme Court practitioners,” he noted. “I’m just so thankful for the Georgetown program.”

And then there is Andy Simpson, a solo practitioner from St. Croix who bested Neal Katyal in *Hall v. Hall* in January. While Simpson frequently argues in the Third Circuit and other federal appellate courts, his prior Supreme Court experience consisted of touring the building as a child.

“At least, I think it was on the tour,” he said. “There were a lot of monuments.”

Simpson had come across an online reference to SCI while his cert petition



was pending and was “amazed,” he said. The grant came on September 28, 2017 — eight days after Hurricane Maria hit the island.

“I had a generator and an Internet connection, and the first thing I did was email Georgetown,” he said.

Simpson has a long list of the ways that SCI helped him. Some highlights: “They reminded me that the Supreme Court can be more focused on policy than on precedent. They identified which aspects were likely to appeal to which justices — for example, that Justice Breyer likes a bright-line rule,” he said.

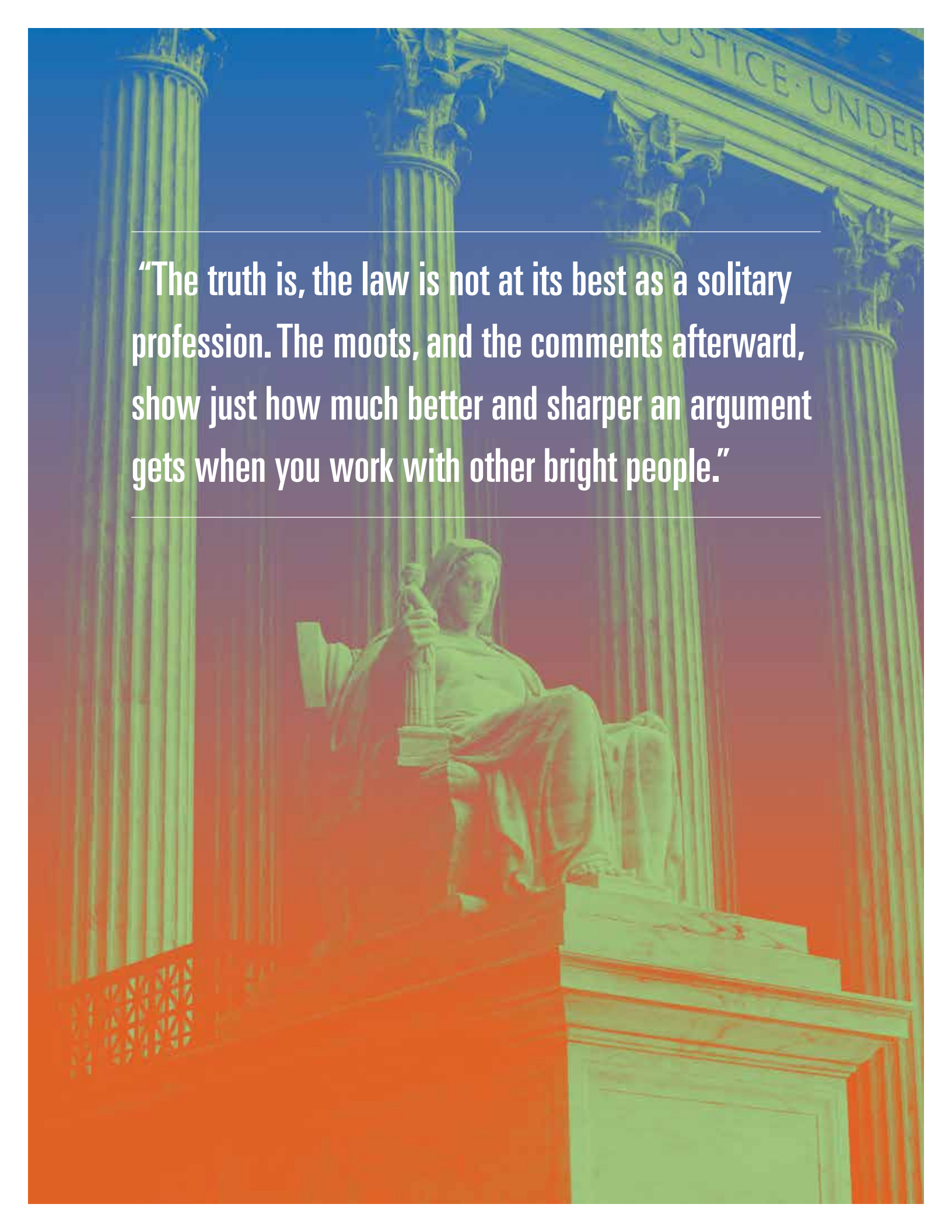
Most importantly, he learned the “tricky” procedure for reserving the balance of his argument time for rebuttal — an essential and, for him, routine step in the Third Circuit, but one he hadn’t been

able to pin down for the Court. “They knew exactly how to do it,” he said.

His favorite story, though, comes from the morning of argument. He and Katyal were getting acquainted, and Simpson mentioned his SCI moot. “Katyal told me, ‘Ah! I always try to do that! You beat me there!’”

That’s the beauty of the Supreme Court Institute: that it’s open to everyone and it’s “equally valuable, whether it’s your first argument or your fiftieth,” said AliKhan.

“The Supreme Court is a different beast. It’s a different class of argument,” she said. That’s why the Institute is so incredibly valuable: they do this one thing, and they do it very well.”



“The truth is, the law is not at its best as a solitary profession. The moots, and the comments afterward, show just how much better and sharper an argument gets when you work with other bright people.”





But consider: For *Hamdi*, one of the most controversial cases of the October 2003 Term, AliKhan said the audience numbered “20, maybe 25” people. And Murphy was already a 3L when she took that class and saw her first moot.

“At the time, it was quite possible to graduate from Georgetown Law without knowing the Institute existed, or knowing it was there but never seeing a moot,” Bernstein said.

“I’m here to make sure that doesn’t happen anymore,” she said. “That’s my mission.”

Watershed Year

Bernstein was hired in 2010 as part of the restructuring plan that Goldblatt and Lazarus had sought for SCI. Goldblatt and Lazarus would stay on as faculty directors, and SCI would work with the Legal Research and Writing faculty to make the moots a part of the required first-year course.

Treanor took over as dean in August of that year, and to Goldblatt’s relief, the new structure matched his vision for student-centered, experiential learning.

“When Steve told me that Irv Gornstein might be available, I was dazzled,” Treanor said. “It was a home-run.”

Gornstein, who had spent 13 years as assistant U.S. solicitor general and another three at O’Melveny, was one of the most highly respected members of the Supreme Court bar. He was one of Treanor’s first hires, becoming executive director in October 2010.

Bernstein, by that time, had been director for about two months. A civil rights lawyer and former clerk for then-D.C. Circuit Judge Ruth Bader Ginsburg, Bernstein had spent the prior 18 years representing the EEOC in federal appeals courts across the country.

She had been a fellow in Goldblatt’s Appellate Litigation Clinic in 1989, was familiar with SCI, and was ready to come back to Georgetown — but even so, “that first year (at SCI) kicked my butt,” she said. “It was so invigorating.”

Bernstein and Gornstein kicked right back, making a raft of changes at SCI. They beefed up the database of external volunteers and reached out to the most-frequent internal justices, including Professors Michael Gottesman, David Vladeck (LL.M.’77), Martin Lederman

**Lola Kingo (LL.M.’18),
Dean William M. Treanor,
Supreme Court Institute Director
Dori Bernstein (LL.M.’89) and
Executive Director Irv Gornstein
question a student at a moot.**

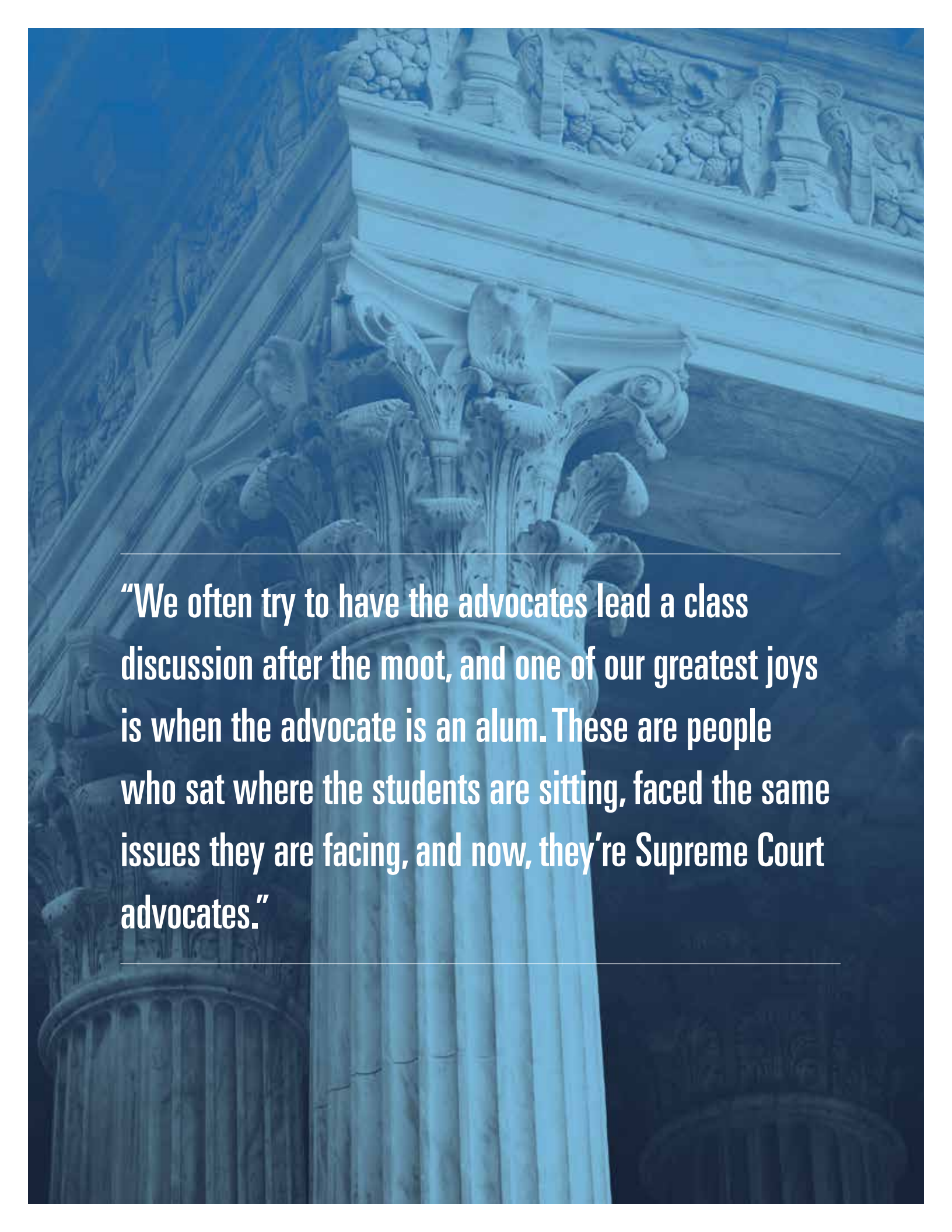
and Paul Smith, to keep them interested. [See “The Justices,” page 45.]

They also served as justices themselves, “and there is no one, and I mean no one, better than Irv Gornstein and Dori Bernstein at moots,” said Professor Neal Katyal, co-head of the appellate practice at Hogan Lovells and a longtime user of the moots. [See “Frequent Flyers,” page 43.]

They made a “concentrated effort” to let professors know when cases on the docket would dovetail with their courses, and put out a welcome mat for individual students by publicizing moots.

“For moots that might have drawn zero students before, we started to get 10 or 15, and the ones on more popular topics started to fill up the moot courtroom,” Gornstein said.

(Continued p. 44)



“We often try to have the advocates lead a class discussion after the moot, and one of our greatest joys is when the advocate is an alum. These are people who sat where the students are sitting, faced the same issues they are facing, and now, they’re Supreme Court advocates.”

Frequent Flyers

Since his first appearance as first chair in 2001, Paul Clement (F'88) has argued more cases at the Supreme Court than any other lawyer — and that includes arguing six of the 63 cases the Court heard in the October 2017 Term.

He won five out of those six, but his average was even better for those he had mooted at Georgetown Law's Supreme Court Institute: a perfect four-for-four.

"Hmm; probably not a coincidence," said the former solicitor general, now at Kirkland & Ellis. It was a lighthearted remark but not entirely in jest.

"I'm a big believer in moots generally, and I always try to get one at Georgetown," he said. "The panels have an incomparable level of expertise, diversity of viewpoints and a mix of practitioners and academics."

Clement admitted that, on rare occasions, he has waited 24 hours to give a first-timer the opportunity to sign up first. "No matter how many times you've done this, it's incredibly helpful," he said. "It sharpens the argument and presentation considerably."

Professor Neal Katyal may disagree with Clement on any number of things, but he also said the SCI moots are "essential" and for many of the same reasons.

"They mooted my very first Supreme Court argument (*Hamdan v. Rumsfeld*), and my last one (number 37, *Trump v. Hawaii*), and many, many of the ones in between," Katyal said. "It's a fabulous mix of Georgetown faculty and Supreme Court practitioners."

Executive Director Irv Gornstein and Director Dori Bernstein (LL.M.'89) "are brilliant, logical, creative and committed to helping advocates at every turn," Katyal said. "The entire Supreme Court bar is in constant debt to both of them."



Jeffrey Fisher, co-director of the Supreme Court Litigation Clinic at Stanford Law, said he moots "virtually all" his cases at Stanford first, but heads to Georgetown "for every case I can get." He'll often use the SCI moot to experiment with different approaches, he said.

Beyond any individual case, though, Fisher said the SCI moots under Gornstein have changed his own approach.

"Irv's method represents 'best practices,'" Fisher said. "Instead of going down the line of panelists one by one, he'll take one comment and put it on the table for discussion. Everyone weighs in, and then he'll move to the next comment. The critique winds up being deeper, more insightful and far more useful to the advocate."

Gornstein himself called his method a "preference" born of experience. It's more time-consuming and not always necessary, he said. However, several other advocates also called Gornstein's method the "gold standard," including Professor David Cole, currently on leave while serving as National Legal Director of the American Civil Liberties Union.

"I've worked with very few lawyers who are as good at the task of framing a Supreme Court argument as Irv Gornstein, and we have him as the head of our Supreme Court Institute..." Cole said. "That's one of the reasons the Institute continues to have buy-in from the entire Supreme Court bar."

Cole said his moot in the *Masterpiece Cakeshop* case illustrates the value of SCI moots for advocates at all levels of experience.

"The Georgetown moot was the fifth I had done for that case, and still, at the very end, I got a question I had never heard, and did not know how to answer," he said. "After the moot, I asked (co-counsel) Dan Mach about it, and he said it reminded him of something Justice Alito had asked in an earlier case, so we researched it."

"Sure enough, Alito asked me a version of that question," Cole said. "And, thanks to the Georgetown moot, I had an answer."

Gornstein instituted “megamoots” for controversial or newsworthy cases. The audience for several cases in the October 2017 Term topped 100, with the most popular — *Masterpiece Cakeshop* — drawing 289 observers.

They publicized SCI in many other ways, including its September Supreme Court preview and the January midterm preview. Over the years, they’ve added “mock” moots for prospective students, new admittees and their parents, with professors playing the role of advocates and justices.

Substance and Style

The most significant change, however, was coordinating with the faculty of the Legal Research and Writing courses, recently renamed Legal Practice: Writing and Analysis. Today, Bernstein ensures that there is at least one moot scheduled for each Legal Practice section, including the evening division.

“Thanks to some combination of charm and arm-twisting, Dori convinces advocates and ‘justices’ to do an evening moot,” Evening Program Director Jeffrey Shulman (L’05), a member of the Legal Practice faculty, said. “Evening Program students truly appreciate the opportunity to see Supreme Court advocacy at work.”

Before the Legal Practice moots, an SCI representative — usually Bernstein — will provide the briefs and discuss the case with the students. That step is “indispensable,” Gornstein said; without it, so much of the argument would “fly over their heads.”

After that first moot, students know more about Supreme Court procedure, how to find the briefs, and what to expect during oral argument.

They also know what SCI is, and that it is a resource. For those who want to do more than observe, Bernstein teaches a Supreme Court Institute Practicum. Eight students, 2Ls or 3Ls, are paired with eight of the most frequent moot “justices,” learning how to write a bench memo and other lessons in being an appellate clerk. [See “The Clerks,” page 36.]

As always, other professors can arrange to bring their classes to the moots. Gornstein considers the moots a “standard part of the curriculum” for his courses and so do many other professors, particularly those with Court-related seminars like Professor Susan Low Bloch and Donald B. Ayer of Jones Day.

Bernstein identified Ayer’s Supreme Court Litigation Seminar as the longest-running course to continuously incorporate the SCI moots. (According to Ayer, the seminar was supposed to be taught by Roberts, who backed out when he “found other employment” in 2005.)

Ayer said the seminar includes at least three SCI moots a year, and that they illustrate the “fluidity” of the law.

“The Supreme Court doesn’t take cases where there’s a clear answer,” said Ayer. “There may be many reasonable answers, as in a circuit split; or there may be no answer where an answer is desperately needed, and it’s the advocate’s job to help the court craft one.”

In other courses, like Professor Erica Hashimoto’s Appellate Litigation Clinic, Professor Brian Wolfman’s Appellate Immersion Clinic, or Vladeck’s Civil Litigation Clinic, the moots help develop advocacy skills — both for the advocates and the students watching them.

“Appellate advocacy is a learned art; nobody starts out as a great advocate,” said Vladeck.

(Continued p. 46)



**Professor Neal Katyal;
Erin Murphy (L’06).**

The Justices



(LL.M.'77) said it's not just his duty as an officer of the Court, but a matter of enlightened collective interest: "We're all better off when the Court gets things right."

To Paul Clement (F'88), sitting on the panel is a "favor bank"; he was this year's most-frequent mooter. Both he and this year's most-frequent external justice — Ruthanne Deutsch (L'04, LL.M.'16) of Deutsch Hunt (photo left) — see the moots as a rare chance to catch up with other members of the Supreme Court bar. "It's not like we have Supreme Court Bar Association meetings," Clement quipped.

Hearing moots gives lawyers "the luxury of stepping out of their routine to discuss issues and ideas" and gives academics the chance to flex their advocacy muscles, said Professor Erica Hashimoto. Bernstein, for example, "is so good at running SCI that people forget what a phenomenal lawyer she is," Hashimoto said. "At moots, you can't miss it."

Adjunct Professor Don Ayer of Jones Day said he volunteers to hear the cases he uses in his Supreme Court Litigation Seminar so that his students can see him in action, "being a nuisance and a loudmouth."

And while the (volunteer) justices' goal is to sharpen the arguments, the arguments can also sharpen the (volunteer) justices. "I learn by watching the advocates," Vladeck said. "The things we go over with them are often the same things we agonize over when we argue our own cases."

SCI Faculty Director Steven Goldblatt (L'70) uses the moots to predict what issues will come up at oral argument, then reads the Court's transcript "to see how well I handicapped a case," he said. "I learn from my mistakes and what I got right."

Jessica Amunson (C'95, M.A.'97) of Jenner & Block, who argued her first case to the Court in October 2017, says that serving on SCI panels makes her a better lawyer — plus, she hopes it raises the visibility of female Supreme Court advocates.

Professor Brian Wolfman — tied with Professor Martin Lederman as the most frequent "internal" justice — volunteers to moot "less experienced than average" advocates: "I figure it's possible that in those cases, I can bring my experience to bear in a more impactful way."

The moots also help him stay current on issues that could affect his appellate practice, and being "immersed" in the Court helps him teach his Appellate Courts Immersion Clinic, he said.

"Finally, and perhaps most importantly," Wolfman said, "it's fun."

When Professor Irv Gornstein became executive director of the Supreme Court Institute (SCI) in 2010, he aimed to preside over every oral argument the Institute mooted.

"I wanted to check out the other panelists, to make sure they were doing a good job," he said. He's since cut back to 28 moots a term — just under half of this year's caseload — but advocates still often ask to have Gornstein as "Chief Justice."

Not counting Gornstein and SCI Director Dori Bernstein (LL.M.'89), 224 lawyers served as volunteer justices in the October 2017 Term. There's no money in it, but they do have their reasons.

Like SCI itself, they hope to improve the quality of advocacy at the Supreme Court. Professor David Vladeck



**Adjunct Professor Dori Bernstein,
Director of the Supreme Court
Institute.**

He has served as an SCI justice “since the beginning,” yet “in all that time, I’ve never heard anyone say, ‘Great job! Don’t change a thing,’” he said. “The moots are all about the process of deconstruction and reconstruction of an argument.”

Role models

The students can also learn lessons that go well beyond substantive law or appellate advocacy skills.

“So much of law school is focused, as it should be, on learning the law, but the Supreme Court Institute gives students real insight into how to be a good lawyer,” Erin Murphy says.

First, there’s a certain amount of modeling that takes place, especially when an advocate or panelist is a Georgetown Law alum.

“We often try to have the advocates lead a class discussion after the moot, and one of our greatest joys is when the advocate is an alum,” Goldblatt says. “These are people who sat where the students are sitting, faced the same issues they are facing, and now, they’re Supreme Court advocates.”

Miami criminal-defense attorney Howard Srebnick (L’89), of Black, Srebnick, Kornspan & Stumpf, is happy to oblige.

Srebnick can draw a relatively straight line from two events in 1988 — when Goldblatt coached the student-lawyer for argument in a Seventh Circuit forfeiture case, and then-Professor William Greenhalgh invited him to help moot a (pre-SCI) Supreme Court forfeiture case, *U.S. v. Monsanto* — to his 2016 victory in *Luis v. U.S.*, in which the Court resolved a question it expressly left open in *Monsanto*.

“Details like that make it easier for students to appreciate the impact of the opportunities they get at Georgetown,” Srebnick said. “It could easily be one of them, arguing in the Supreme Court in a few years.”

The moots also underscore the importance of collaboration, Treanor said.

“Georgetown Law students, by and large, are brilliant and hard-working, and there’s a temptation to think that if they just work hard enough and are smart enough, they’ll get the ‘right’ answer,” the dean said. “The truth is, the law is not at its best as a solitary profession. The moots, and the comments afterward, show

just how much better and sharper an argument gets when you work with other bright people.”

While that’s true of any good moot, the ground rules at SCI mean that students are also witnessing service and civility at the highest level.

Panelists are not paid for the moot nor the time spent preparing for it — and, given the hourly rates they could command, Srebnick ballparked the collective value of their service at \$500,000 to \$1 million per term.

“Our ultimate purpose is to improve the quality of advocacy before the high court, and the panelists undertake that duty as officers of the court,” Bernstein said.

They are also expected to improve the advocate’s argument even if they disagree with it; often, they may be chosen for the panel precisely because of that disagreement.

“In a highly partisan world, SCI is remarkably nonpartisan,” said Cole, currently on leave while serving as national legal director for the ACLU. “Conservatives help liberals, liberals help conservatives.”

“They may do it through clenched teeth, but they do it,” Goldblatt added.

To him, that’s not just civility but a core aspect of the legal profession.

“As a lawyer, you are there to help your clients reach their goals. It’s not about what you want,” he said. “At moots, the advocate essentially becomes your client, and you are there to make their argument as strong as it can be.”

Curating the 'Court'

In the middle of a telephone conversation on a Monday morning in June, Supreme Court Institute Director Dori Bernstein (LL.M.'89) takes a split-second pause.

"Oh! Sorry," she says. "Looks like the Court granted six — no, wait, seven today."

And so it begins.

Once the U.S. Supreme Court agrees to hear a case, the attorneys involved can request a moot from SCI. It's a public service and nonpartisan, but there is one restriction: it is limited to one side, and the side that asks first gets it. (If both sides request a moot during the first 24 hours, it's considered a tie and a coin-toss settles it.)

The time constraints mean that Bernstein is often the first to hear from lawyers when a cert petition is granted.

"Before you tell your spouse, before you tell your parents, before you tell your family or friends — tell Dori," said Jessica Amunson (C'95, M'97) of Jenner & Block, who has long served as an SCI justice.

Once the case is accepted for a moot, Bernstein and her colleagues at SCI begin the "mysterious art" of choosing a panel of justices from a massive database of volunteers.

It's no "Bull" — the television show where jury consultants somehow match the characteristics of the venire to the nth degree — but "you do get a certain alchemy, and that gives me a lot of gratification," Bernstein said.

"Every panel is curated," she said. "We don't try to match justice-to-justice, but to have people on the panel who are familiar

with the justices and know what problems they are likely to have with the advocate's argument."

They strive for a panel of five, since "more than that can make it hard to get a word in edgewise," she said. A mix of practicing lawyers and academics is crucial, since the Court will be interested both in the nuts and bolts and the broader implications of the case.

They look for diversity, not just of race or gender but experience — a mix of seasoned veterans and those with recent clerking experience — and a broad range of ideological viewpoints. In fact, advocates will often request panelists who disagree with them.

Another important factor is the advocate's experience or level of skill, Bernstein said. Some potential panelists are excellent coaches for relative newcomers; others "may be fabulous" for experienced advocates but get frustrated with first-timers, "and that can be very dispiriting for the advocate," she said.

Finally, Bernstein said, she considers who might be most interested in the issues the case presents.

"Who mooted or argued the precedents being cited?" Bernstein said. "Are (those lawyers) available? Who's likely to be enthusiastic?"

"I need to generate enthusiasm, because unlike the Court, I don't get to tell people to show up; I can only ask," she said. "I want them to say yes. I want them to say yes — and to come back."



Jessica Amunson (C'95, M.A.'97) of Jenner & Block often serves as a volunteer "justice" with the Supreme Court Institute.

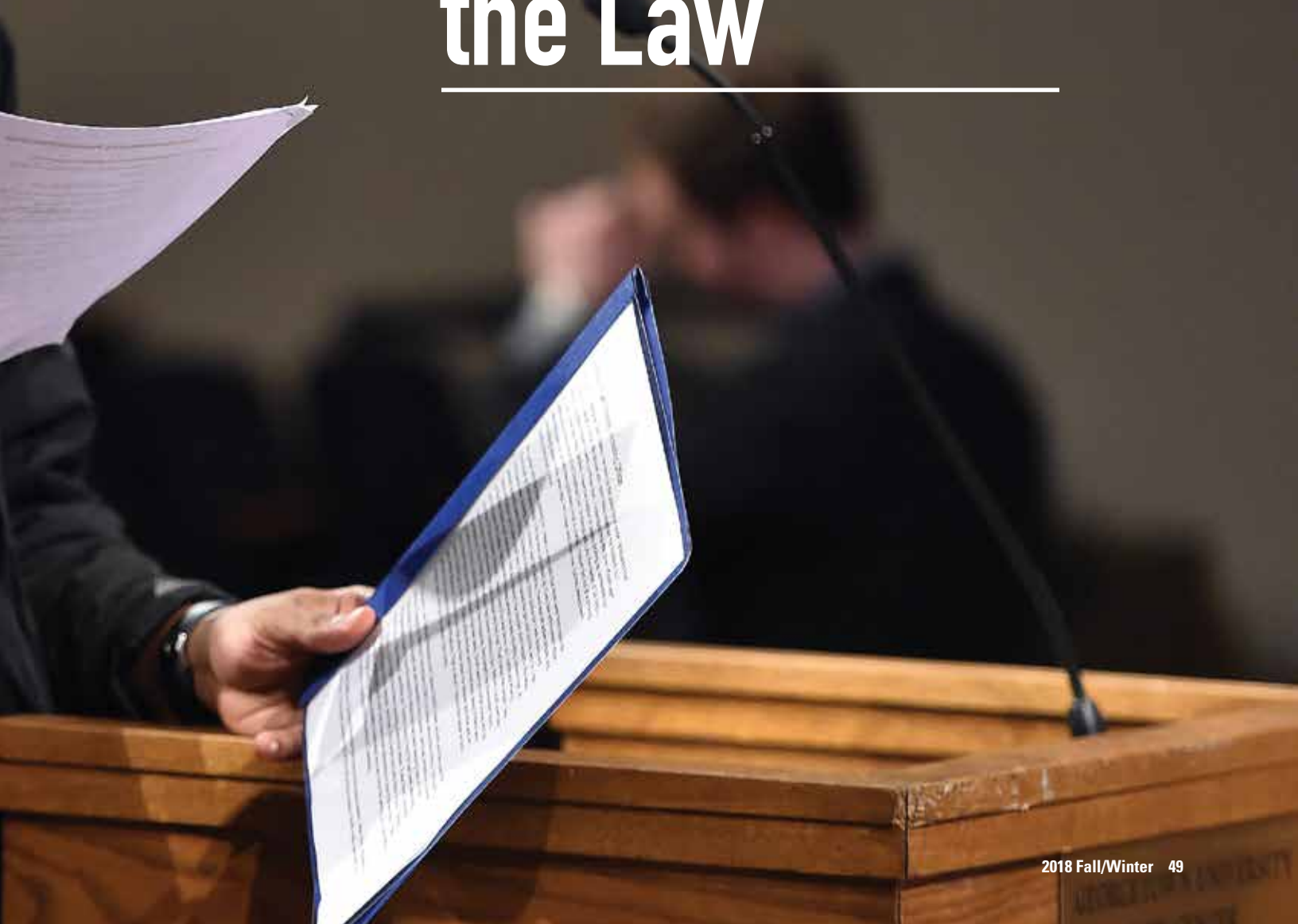
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STREET
45TH
ANNIVERSARY LAW

GEORGETOWN LAW

Street Law at 45: Teaching High Schoolers the Law





“As a law professor, I like the idea that some of you might want to become lawyers. But I actually believe that the Street Law program helps you become anything you want to be,” Professor Rick Roe says, noting that Street Law helps students make sense of a complex set of issues and narrate those issues to others. “That kind of skill happens in any profession — engineering, science, medicine, health and in the law... What you showed here means that you can go a long way with your skills in anything that you do.”

As a student in Georgetown Law’s Street Law Clinic, Natasha Walls Smith’s (L’19) role was to teach D.C. high school students about constitutional policing, focusing on probable cause and reasonable suspicion. She taught the unit at Eastern High School, and then at Roosevelt High School.

She also had to prepare the Roosevelt students for an early interscholastic mock trial competition in the fall. Because of scheduling issues, the class was small; students were frequently absent due to family court hearings or truancy. So on the morning of the mock trial, Walls Smith was dismayed to see that just one student showed up. One student, by herself, would be competing against a team of 10 students from Anacostia High School.

But Mercy Ayodeji, a 16-year-old who had arrived in the United States from Nigeria just a few months before, wants to be a lawyer. She was nervous about taking on all parts of a trial singlehandedly. But she was up for the challenge.

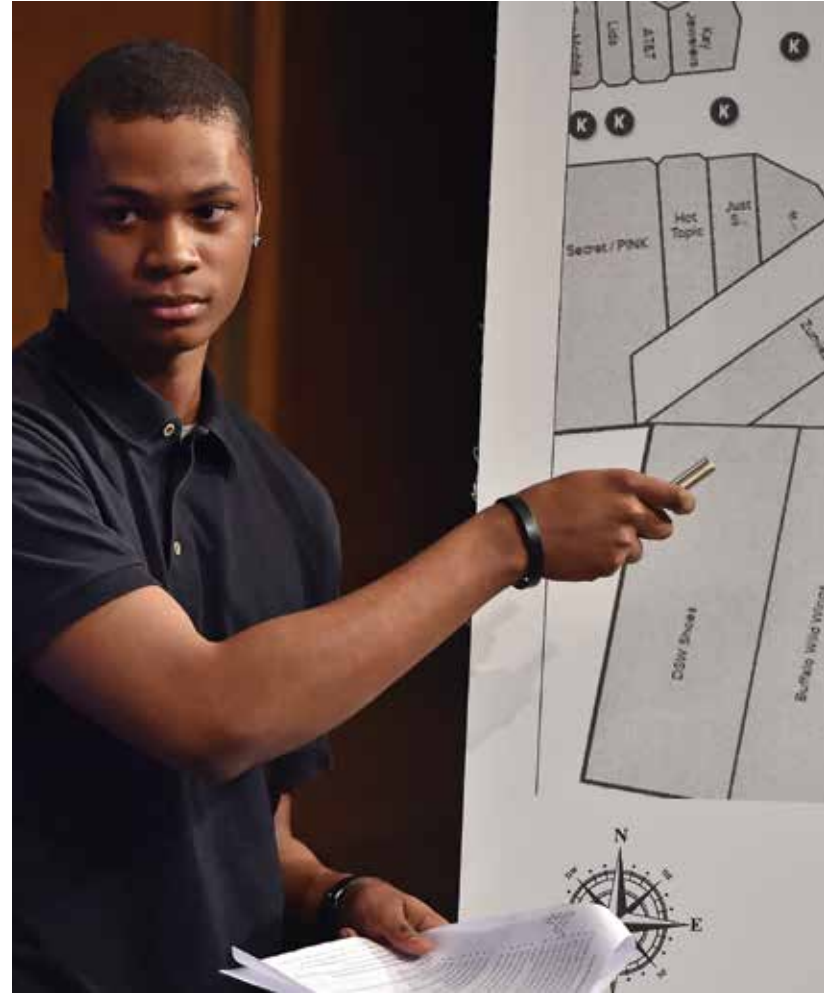


Ayodeji would deliver both the opening and closing arguments, cross examine witnesses — play five of the 11 roles in the mock trial.

“I said, this is completely up to you...do you want to go to the mock trial?” Walls Smith recalls. “But she had prepared...she said, okay. In the car ride to the competition we went over her opening and closing statements, and I started prepping her for three extra roles.”

Walls Smith had helped Ayodeji craft her opening and closing statements in class, honing her argument and making it her own. With support, Ayodeji won a favorable verdict on 2 of the 3 counts against her client. “At that point in the semester, I had learned enough about Street Law to realize that you kind of have to go with it,” Walls Smith says, “and not worry when things don’t go as planned.”

Walls Smith says she has wanted to become a lawyer even before she was in grade school. “I played make-believe as a kid with my sister and cousins,” she says. “They would be dancers and singers, and I’d say, ‘I’ll be your lawyer.’”



She chose Georgetown Law because of its focus on public interest. “The Office of Public Interest and Community Service, OPICS — they had an office with more than one person, which the other schools didn’t seem to have,” she says. “I talked to people there...I knew I really wanted to go into public interest. I didn’t want to waste my time with anything else.”

And of course, she was attracted to Street Law, run by Professor Rick Roe. This year, Street Law celebrated its 45th anniversary, with a summer celebration for alumni and guests, and the final round of the spring high school moot court competition in Hart Auditorium on Monday, April 23. “It was an experiential learning opportunity, and it was working with youth...I was pretty excited to be able to get involved with this program.”

In the future, Walls Smith wants to work in the intersection of disability and criminal defense law — to expand the Americans with Disabilities Act to better protect persons with intellectual or developmental disabilities in the criminal justice system. “I feel like it’s an area that’s really



needed,” she says. “The law is a lot better with disability and employment law, but not so much when it comes to criminal cases.”

Second-year student Alexis Blair (C’16, L’19) served as Ayodeji’s Street Law teacher and mock trial coach for the Spring 2018 semester. A former English major at Georgetown University, Blair has taught English classes and participated in speech and debate, which led her to choose the Georgetown Law Street Law clinic.

Blair, like Walls Smith before her, worked very hard to motivate all the students.

“Getting the high school students to understand how a very complicated statute works takes a while,” she says, “but when they do, it’s exciting.”

In the end, Dunbar High School faced off against School Without Walls at the April 23 finals. Thirteen other teams, representing 300 students in D.C. schools, participated before the final night. And for the first time in 46 years of Street Law high school mock trials, Professor Rick Roe acted as judge — patiently explaining to “counsel,” with obvious care and concern for the education at stake, why he chose to sustain or overrule an objection, for example, or why a witness may or may not be qualified as an expert.



“I want to tell you how proud I am...,” Roe told the students, after Dunbar was declared the winner by a third of a point. “The trial was presented extraordinarily well...with real knowledge of the case, with real legal skill, thinking on your feet, and persuasive arguments back and forth.”

Though Roe has directed the program since 1983 — as he told the students, Street Law is his life’s work — he’s never served as judge, since he’s typically working to prepare the students for trial.

Whether the high schoolers pursue a career in the law or not, Roe said, Street Law will help them become whatever they choose.

“As a law professor, I like the idea that some of you might want to become lawyers. But I actually believe that the Street Law program helps you become anything you want to be,” Roe said, noting that Street Law helps students make sense of a complex set of issues and narrate those issues to others. “That kind of skill happens in any profession — engineering, science, medicine, health and in the law... What you showed here means that you can go a long way with your skills in anything that you do.”

— Ann W. Parks

Photo Credit: Bill Petros



Learning to Teach and Teaching to Learn

A Conversation with Professor Richard Roe of Georgetown Law's Street Law



Photo Credit: Bill Petros

Professor Rick Roe, the director of Georgetown Law's Street Law clinic, retires after more than 40 years at the Law Center — 35 of those years as a member of the full-time faculty. Street Law — a program in which law students teach the law in high schools and in prisons — was founded at Georgetown Law in 1972 by director Jason Newman (L'65), who also created Georgetown Law's Harrison Institute. The late Edward O'Brien (L'73), one of the first four Georgetown Law students to teach Street Law, stayed with the program, and with Newman and others founded the national Street Law program. It was O'Brien who asked Roe to work with him in Georgetown Law's Street Law Corrections program. We sat down with Roe to get his thoughts on Street Law, how he got his start as a teacher and his powerful teaching philosophy.

WHAT MADE YOU DECIDE THAT THE LAW WAS FOR YOU?

I always wanted to be a lawyer. From my earliest memory of thinking about a career, I was always drawn to the idea of establishing justice.

AS AN UNDERGRADUATE AT YALE, MAJORING IN LATIN AMERICAN STUDIES, YOU STUDIED ABROAD IN COLOMBIA, WHICH STARTED YOU ON THE ROAD TO TEACHING...

Yes, I did my junior year abroad in Bogotá. I was asked to teach a class of fourth graders every morning for three hours. And that was a true learning experience, because I had to invent my own curriculum and teaching style. I also taught at a language school at night. But in my first summer at Yale, I tutored in the housing projects behind the campus. That really started me on the lifelong experience of working with underdeveloped learners.

WHEN YOU WENT TO LAW SCHOOL AT THE UNIVERSITY OF MAINE, DID YOU ENVISION YOURSELF MARRYING THE LAW WITH EDUCATION?

I didn't have a clear vision of what I wanted to do. I was a prosecutor the summer between my second and third years and I was actually good at it. But I didn't want to just try cases. I wanted to affect the system of justice more broadly.

I happened upon an ad in the *New York Times* for somebody to help law students teach law in high schools. It turned out to be at Georgetown. When I came for the interview, they had already filled the two supervisory positions available. But they liked me and asked if I would be the grants writer for the national Street Law program. So I accepted, took the bar exam, jumped in the U-Haul, and drove down from Maine to Georgetown in August 1977.

For the first three years, I wrote grants, helped develop curriculum and design programs, initiated collaborations with other organizations, and worked with the school districts and law schools around the country that were becoming interested in Street Law. Then I was asked to help teach and supervise in the Street Law Corrections Clinic as an adjunct. Working with the law students to teach in the prisons was wonderful. When three years later the supervisory position in the Street Law Clinic (where law students teach in high schools) became available, I was offered that, also.

LET'S TALK ABOUT THE PROGRAM'S TEACHING PHILOSOPHY...

When I started, Street Law was already both practical and innovative in its teaching approach. Georgetown Street Law has been a leader in interactive, learner-centered teaching. For example, we've pioneered the use of mock trials. The second semester of the Street Law high schools program is devoted almost entirely to a mock trial competition among all our schools...

Over the years, I've involved our wonderful teaching fellows as partners in the teaching, supervision and administration of Street Law as much as possible. I've tried to apply the same principles of teaching and learning with our law students in our orientation, seminars and supervision as we've asked them to use in their own classrooms. And I've tried to apply a developmental, positive approach in supervising law students and fellows.

HOW WOULD YOU DEFINE INTERACTIVE TEACHING?

The Law Society of Ireland, for which we've done Street Law trainings for several years for their lawyers in training, came up with a slogan that captures the idea: "Talk less, teach more."

Interactive teaching gets the learners to do the talking and thinking by participating in activity-based lessons in which they engage with the lesson materials and each other. It shifts the focus of the classroom from what the teacher says to what the learners say and do. Activities include roleplays, hypotheticals, simulated investigations, case studies and mock trials... The law is perfect for interactive teaching. You want to connect with the learner's life and world and do that in a way that's not lecture.

YOU SEND SOME LAW STUDENTS INTO HIGH SCHOOLS AND OTHERS INTO PRISONS. WHAT IS THE PRISON PROGRAM LIKE?

When I started supervising in the Corrections Clinic, I thought that the residents, as they prefer to be called, would want really practical information. It turned out that they loved the learner-centered, interactive approach and broader discussions of law and legal principles...because

these methods challenged them to think. They loved the experience of being respected and treated as thoughtful people. Even though they had...lower levels of literacy and fewer positive experiences in school, they took their education seriously.

Sometimes, we would bring high school students to a prison... The high school kids asked the obligatory questions, “What are you in for?” “What is life in prison like?” The residents said the obligatory things: “Don’t be like us,” “do the right thing,” “stay in school.” And of course the high school kids rolled their eyes. But then, as the kids were leaving, the residents turned back to their Georgetown Law student teachers and said, “Oh, you didn’t collect the homework.” And the [high school] kids stopped in their tracks! They were surprised to realize that the residents were serious about learning and really meant what they had said.

I’ll never forget another experience in the prisons. Our law students were often asked to write letters for the residents when they were eligible for parole or so they could have a letter for job applications after their release... I was observing a class when a resident received his letter. He left the room and came back with tear streaks on his face. He said to the law student, “That’s the nicest thing anybody ever said about me.” For me, that crystallized how such a simple thing like positive, ordinary feedback could impact a person.

THAT’S A POWERFUL MOMENT.

Yes, and that gets us to the question of what is Street Law about? We teach people about the law that affects their lives, and at the same time we also use their inherent interest in the law to develop critical thinking, expressive skills and minds of their own. And the chief way to do that, I have found, is by valuing the learners...treating them with respect, listening to what they have to say and helping them build on it instead of teaching by telling. This involves creating opportunities for the students to develop, to do the talking and thinking in the classroom.

WHAT DO YOU HEAR FROM GEORGETOWN LAW ALUMNI WHO PARTICIPATED IN THE PROGRAM?

One of the things alums say most often is that teaching in correctional settings and in high school is really hard work, and also highly rewarding both personally and professionally! In Street Law we’re asking them to teach in this interactive way and it’s very demanding work to master these skills. We’re not trying to get our law students to be perfect teachers. We’re trying to help them develop into good teachers and through that into good lawyers, and that takes time...

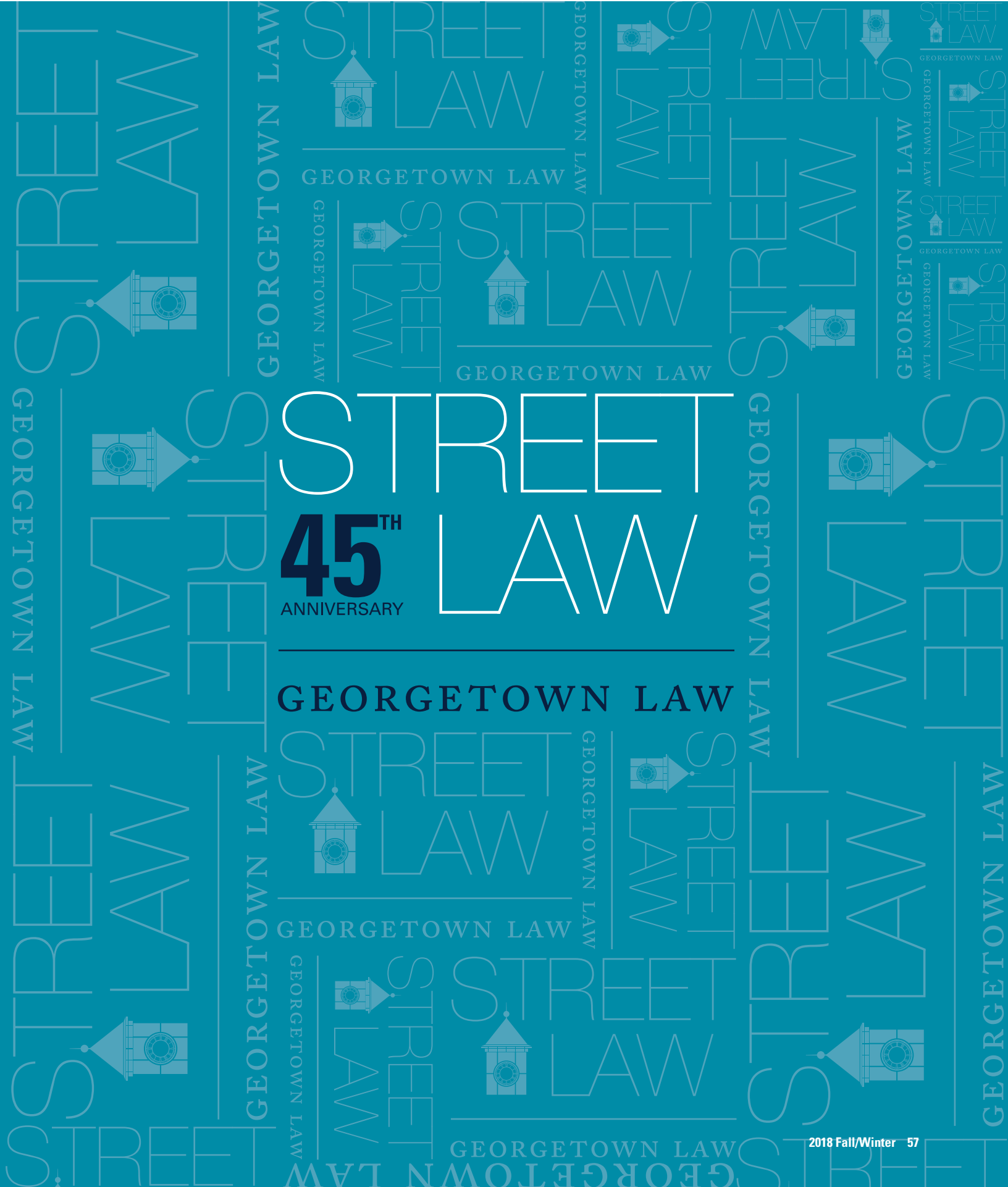
Alums say teaching is one of the best ways to learn a subject — [students] learn the law really well when they have to teach it. But in addition, what they really learn is to prepare for the unexpected, to be versatile, to learn how other people think in a setting with real diversity. In every Street Law class, there’s a wide range of learners with a wide range of viewpoints and experiences that our law students are being exposed to... It really gives our law students a chance to see and to experience diversity. Once they do this for a while, they get comfortable and confident in handling all kinds of surprising and interesting things.

YOU’RE RETIRING. WHAT ARE SOME OF YOUR TAKEAWAYS AFTER ALL THESE YEARS?

I have become committed to experiential, interactive, learner-centered teaching and learning not only in Street Law but also across the curriculum and at all levels of learning. This approach allows us to teach about justice with justice. What is teaching with justice? It is due process, equal protection and fairness in action. It is treating every single learner as a valued human personality and as an integral person...

This approach involves not only knowing facts and particular laws but also thinking deeply about and articulating principles and larger ideas. I feel it’s essential for us to teach our law students in the same manner as we expect them to teach their own students. Not only does this help our law students become better teachers, but also through this teaching to become better lawyers.

— Ann W. Parks & Julie Bourbon



STREET 45TH ANNIVERSARY LAW

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LAW

PROFESSOR RICK ROE HONORED AT STREET LAW 45



Photo Credit: Bill Petros

Hundreds of Georgetown Law alumni and friends turned out June 28 to celebrate the 45th anniversary of the Street Law clinical program and its now-retired director, Professor Rick Roe — who leaves a lifetime legacy of interactive, learner-centered education. The mood was festive but with enough ceremony to honor the significance of Roe’s work beneath his cheerful demeanor.

Alumni gave testimonials of the impact of Street Law — and of Roe — on their lives. In a delightful reunion, Patrick Campbell (C’92), a Georgetown University graduate and lawyer who participated in Street Law as a D.C. high school student (see p.62), met up with Grace Kim (L’88), his former Georgetown Law Street Law teacher of 30 years ago.

One recent high school participant, a standout from Dunbar High School in Northwest Washington, announced to applause that she will start classes at Virginia State University in the fall — and spoke from the heart about her experience in Street Law. In the clinic, Georgetown Law students go to Washington, D.C., high schools to teach teens about the law and to guide them in a mock trial competition each spring.

Person after person lauded Roe’s commitment to working with inner-city teens and also with prisoners, whether teaching them their rights as citizens or working on their literacy skills so they could read to their children on visiting days.

Deanna Singh (L’04) began a Street Law program affiliated with Marquette University after she graduated from Georgetown Law.

Singh recalled being told “no” repeatedly as she tried to start the Milwaukee program. Her story echoed two themes of the evening: Roe’s optimism and the untold impact of the program on people’s lives.

“Every time I needed somebody to say, ‘you can do this,’ it was Rick [I called],” said Singh, who later encountered a student at Marquette who said she would not have gone to college but for her Street Law experience in high school.

“You never can fully appreciate the ripple you create,” Singh concluded.

Visiting Associate Professor Charisma Howell (L’11), (pictured with Roe, left) who will take over the role of Street Law program director, has also seen the “multiplier effect” of the program on the lives of its participants.

“You never know what can come about if you invest in someone,” Howell said. “You hope that the seed is planted.”

Roe, who will continue to teach as an adjunct professor at Georgetown Law, pronounced himself “lucky to have done something beneficial to society” that also “touched me deeply.”

He shared, once more, the teaching philosophy that has carried him through the years of Street Law — which includes being in the moment, listening to people and valuing them “totally.” For it is by valuing the learner, Roe has always believed, that true learning can take place.

“You open the doors and windows but you never see your student walk through them,” he said. “We don’t know. It’s back to planting the seed.”

— Julie Bourbon

DAVID GROSSO (L'01): ELEVATING OTHERS



When D.C. Council Member David Grosso (L'01), an alum of Georgetown Law's Street Law Clinic, heard that Professor Rick Roe would be celebrating the 45th anniversary of Street Law during 2017-2018 — and retiring at the end of the year — he thought those milestones deserved something special. Thanks to Roe, more than 3500 high school students and 1300 Georgetown Law students have benefitted in a personal and professional capacity from the Street Law program, whether by honing their presentation skills, acquiring expertise in the law or learning how to teach a class. So on April 10, the Council of the District of Columbia presented Roe, Visiting Professor Charisma Howell (LL.M.'11) and Teaching Fellow Gharrett Favinger (LL.M.'21) with a ceremonial resolution acknowledging the work of the Georgetown Street Law program.

"I just thought, we need to elevate him more; that's one thing we can do," said Grosso, who as a Georgetown Law student once taught Street Law to youths at Luke C. Moore high school.

As a student, Grosso had a front-row seat to Street Law history, as his classmates created the Thurgood Marshall Academy charter school, with Roe's help and encouragement. Josh Kern (L'01) would serve as executive director of the school for a decade, receiving Georgetown Law's Robert F. Drinan, S.J., Public Service Award in 2011 for his work.

"There was a real thought that there needed to be a bigger systemic change that happened in our school system," Grosso said. "I remember [teaching] my first [Street Law] class, trying to do a reading exercise and recognizing that a majority of my [high school] class could not read the material at any level. Having to start from scratch and get these students to the point where they could succeed, understanding also that they were smart and very capable...they just didn't have the tools, and we worked hard on that."

Grosso, who grew up in Washington, D.C., and Virginia, would ultimately decide that much needed to be done at home. After graduating from Georgetown Law, he went to work for then-D.C. Councilmember Sharon Ambrose. "I didn't do any law firm work, I just came right into the city government...I was a partner at the time with Josh and everyone else as they were building Thurgood Marshall Academy, and played a role in supporting it as best I could."

As a council member, Grosso chairs the Committee on Education. "It's a sad, sad commentary that we haven't come that far [with literacy] and we're still trying to tackle this issue. The more I study this, the more I understand how [the system] was set up for failure, that these students are not given a real fair shot at succeeding."

With Street Law, however, many students are being given the confidence they need. Grosso's colleague on the D.C. Council, Kenyan McDuffie, is a D.C. high school Street Law alum; he also signed the ceremonial resolution.

"Street Law gives a new opportunity for students to engage differently in society," Grosso says. "[When] we got to the moot court competition, the last trial, my students were lucky enough to just be able to read an opening statement, and to do the cross-examination and the closing, but I saw the joy in their eyes. They were at the courthouse for something positive, they were engaging meaningfully in the discussions. I just think it's an amazing program."

— Ann W. Parks

JULIA PERGOLA
(L'11): "EVERY
CHILD IS
IMPORTANT"



Anyone who's ever taught in a classroom will tell you it's a tough job. And when your students don't particularly want to be there, it's even tougher.

That was the situation Julia Pergola (L'11) faced at the now-defunct Shaw campus of the Maya Angelou Public Charter School, when she taught Street Law. It was a "second chance" school, Pergola said, for students who had failed out of or struggled in more traditional school settings.

"I thought Street Law would be interesting, and I was concerned about social justice," she said. "It was tough. The kids really struggled. I had one kid who, well, the world was not good to her and she just wanted to take that out on any and everybody."

Pergola was determined to succeed, though, and to help her students succeed. It was that one student in particular, the one who gave Pergola such a hard time, who would become her favorite success story.

"I wasn't going to let her get me down. I was determined to figure it out," said Pergola. "By the end of the year, I got her to participate in the mock trial. She was so excited after she did it. She was sort of floating on air!"

The story of how this student showed up the next year in a class Pergola subbed, rushing up to hug her warmly, has become Street Law legend, repeated often by founder Rick Roe and Charisma Howell (L'11), the new director of the program and a visiting associate professor of law.

"Anything we needed for the kids, Julia was always in. And she was cheerful," said Howell. "Those were tough assignments, but she never backed down from the challenge."

A graduate of Rice University, Pergola came to law school because concern over the nation's immigration policies touched close to home — her husband is from Mexico, and she and their children are all bilingual. It seemed to her that the only way to change the system was to study immigration law and learn about policy and advocacy.

Pergola has used that immigration knowledge to do pro bono work for Ayuda, a local immigrants' rights nonprofit. She's also done policy work advising philanthropic donors how to direct their funds after natural disasters and working with social service providers to teach them how to provide services to limited English proficient clients.

She's been substitute teaching again the last 18 months at her alma mater, the Maret School, in D.C.

"I've put off the idea of making teaching my career, but after the last year, I've realized it's a passion for me," Pergola said. "It's important to me that every kid in school knows they are appreciated and important."

— Julie Bourbon

KALA SHAH
SURPRENANT (L'91):
"WE LEARNED MORE
THAN WE TAUGHT"



Like many who participated in the Street Law program — she taught at the Lorton Correctional Facility — Kala Shah Surprenant (L'91) found her career trajectory forever altered by her association with Professor Rick Roe.

"Rick has had an amazing impact because he's trained so many students who've gone into public service," said Surprenant. "There's been a ripple effect."

Surprenant, whose family fled Idi Amin's Uganda, is a first-generation college student who feels a debt of gratitude to the United States for taking them in and providing so many opportunities, including education. Today, she serves as senior counsel for oversight in the Office of the General Counsel at the U.S. Department of Education, working on legal and policy issues related to the Individuals with Disabilities Education Act.

After graduating from Georgetown Law, she worked for two years as an associate at Morgan, Lewis & Bockius — advising corporate clients on environmental issues and doing pro bono work representing children and families in domestic violence cases.

"My whole career shifted because of the pro bono work I was doing," she said. In 1993, Surprenant was tapped by the D.C. Bar to launch its first pro bono family law clinics and spent two years directing the program.

She worked as a litigator and a pro bono mentor for local law clinics before returning full-time to public service in 2000 at the Education Department. In 2015, she was selected for the inaugural cohort of the highly competitive White House Leadership Development Program to work on the federal government's highest priority and highest impact challenges.

"Even in her summers [as a law student at Georgetown], Kala did an internship supporting Hispanic women getting protective orders, organizing their lives, getting housing," said Francisco Lopez (L'91), deputy assistant general counsel at the Department of Education and a friend since their first day of law school. "Even then, she was doing great public interest work, and I think that commitment has shown throughout her career."

Reflecting back on Street Law, Surprenant said, "I think that we learned more than we taught. People who are incarcerated have been through the legal system. They know more than you can ever explain."

Surprenant ran into one of her Street Law students years later at a bar on Capitol Hill.

"I asked him, "What did you think of us, a bunch of kids coming in to prison to help you?" Surprenant said. The man, who had been serving time for a white collar crime, told her it was great. "He said it gave him hope to see that there were people who hadn't given up on humanity."

"I was surprised, because I didn't know if we made a difference," Surprenant added.

"We may not have known everything, but we were willing to listen and to serve, thanks to the influence of Georgetown professors like Rick Roe."

— Julie Bourbon

PATRICK CAMPBELL (C'92): STANDING ON OTHERS' SHOULDERS



Photos by King Creative Studios

As Patrick Campbell (C'92) tells the story, he was in an intense negotiation session in California when he glanced at his phone and did something uncharacteristic for a seasoned attorney. He let out “a noticeable shout,” Campbell recounted with a laugh, “in front of my clients.”

A colleague had sent him an important text, but it had nothing to do with the case at hand. Rather, the message informed Campbell that the underdog, under-resourced high school team he was coaching through the D.C. Street Law program had just won its mock trial.

“It was almost like a movie,” said Campbell, with audible pride in his voice. “A team that was counted out beat the more refined, articulate team based on hard work and digging deep and finding their souls.”

Campbell — a native of Kingston, Jamaica, a Georgetown University alum and a 1995 graduate of Stanford Law — is now a partner in the Washington, D.C., office of Paul, Weiss, specializing in corporate law. He sees a lot of himself in the students from Anacostia High School, where Campbell and his colleagues clock significant volunteer hours throughout the year.

He is proud to call himself a D.C. Street Law alumnus, “a poster child” for the program whose board he has now served on for more than 20 years. And though he didn’t attend Georgetown Law, Campbell’s commitment to Street Law stems from those who did.

In high school, Campbell ended up in the Coolidge High Street Law class, taught by two law students in Georgetown Law’s Street Law clinic: Grace Kim and Dora Kaufman (L’88). It was the first time anyone had ever told Campbell that he had rights: as an individual; as a tenant with his family; as a consumer.

“It was empowering, learning law and understanding things that before you didn’t know,” he said. Campbell enjoyed the experience so much that he began volunteering with Street Law when he entered Georgetown University.

That has turned into a lifelong commitment, one rooted in his belief that he must pay forward the assistance and support he received.

“I remember people coming to my high school who impressed and inspired me,” he said. “I try to be that for the next young person, to stand before them as a model of success to help them dream big, as well. I stand on the shoulders of others and want to be shoulders for others to stand on, too.”

Campbell volunteers at Anacostia as often as possible when not traveling. In the summers, he and his Paul, Weiss colleagues help students write college statements and prepare for job interviews.

Campbell, who also chairs the board of Live It Learn It, an educational nonprofit in D.C., marvels at the way students “transform” through the Street Law program.

“We walk into a classroom with kids who seem uninterested, withdrawn, who almost treat us with hostility,” he said. “But fast forward and those kids are playing the role of lawyer to a T, really caring about how well they do. It’s night and day, and I’ve always loved to watch that process unfold.”

— Julie Bourbon

TIAUNA MATHIEU (L'19): WORKING TOWARDS CRIMINAL JUSTICE



At an externship with the D.C. Council during Spring 2018, Tiauna Mathieu (L'19) learned about voter notification legislation that would inform ex-prisoners whether or not they were eligible to vote — which surprised her.

“I thought when you got a felony you lost your right to vote altogether,” she said. “I made it all the way to law school and I didn’t know that. So I wondered how many people that are actually impacted by the criminal justice system didn’t know. And there were other things that I learned in school that I thought would be helpful for people who are in the system to know.”

So in February, Mathieu began volunteering with the Inspiring Youth Program in a D.C. youth detention facility, teaching mock trial to 14 youths aged 15 to 17, under the supervision of Street Law Acting Director Charisma Howell (L'11). The mock trial was held on May 18.

The biggest challenges? Unlike the typical Street Law high school program — in which Georgetown Law students teach the law to D.C. high schoolers — Mathieu’s students will disappear from her class if they are released, or if they age out and go to an adult jail.

Learning the vocabulary of a mock trial is also a challenge, so Mathieu translates the material for them using words they will understand. Mathieu’s mom, by the way, is a warden in New York City’s Riker’s Island. Her aunt was a cop. Her dad was in prison for most of her childhood.

“My parents went completely different paths, and it was all surrounded by the criminal justice system,” Mathieu says. “I went to Hampton University and majored in criminal justice and just started seeing a lot of defects in the system.”

She was inspired to be a lawyer, she says, in a sixth grade law and government class. At Georgetown Law, she will take Professor John Copacino’s Criminal Justice Clinic in the fall.

In the meantime, she spent her 2L summer at Hughes Hubbard in New York, working on litigation. “I want to have the opportunity to defend people,” she says of her career. “I want to write policy and legislation, to see what opportunities are out there.”

— Ann W. Parks

SOCIAL JUSTICE

Professor Anthony Cook and Heather Edelman (an Advisory Neighborhood Commission member in Washington, D.C.) walk to visit a potential site for Cook's GateBridge project.



CAMPUS

SOCIAL JUSTICE

Professor Anthony Cook: Creating Communities



A brand-name hotel and luxury apartment building towering over an empty lot in Northwest Washington, D.C., are stark reminders of what Professor Anthony Cook's unique mixed-income "intentional community" concept is up against.

Cook brought his Community Development Seminar students to the site one steamy summer evening to scope out a potential home for GateBridge, Cook's planned low-, middle- and high-income apartment community with an "incubator" for educational, employment, entrepreneurial and other initiatives for underserved communities.

The field trip provided a lesson on the challenges of building a community like GateBridge. Although it will be a challenge to beat proposals from traditional developers, city officials support the project and a developer is on board to underwrite the vision.

"Any kind of development is long term," Cook says. "Whether it's actually

trying to build a building, create a unique space within a building or operate and sustain innovative programming within that space, it's long term and hard work. GateBridge is an attempt to do all three."

A combination of features will make GateBridge unique among affordable housing communities nationwide. First, it will offer unique incentives and amenities to market rate, workforce and low-income residents who might not otherwise choose to live together in a residential community.

Studies show that affordable housing works best when a middle-income population is included with market-rate and low-income tenants. The "Gate" in the project's name stands for "Government workers," "Artists," "Teachers," and "Entrepreneurs." GateBridge will target members of these middle-income occupations to live, learn and serve with low-income and market-rate residents.

The second piece is the "incubator" concept. Every resident will volunteer

service hours each month to GateBridge Partner Services (GPS), the onsite incubator Cook describes as a navigation unit for community engagement and development.

"As far as we know, it will be the first community of its kind with an onsite incubator that orchestrates resident volunteer hours and creates an ecosystem to support ventures and initiatives benefitting underserved communities," Cook says.

GateBridge will house facilities for learning, collaboration, and community engagement, possibly renting out office space to organizations with a commitment to community service. One partner already on board is the teacher training nonprofit Urban Teachers, which is planning to move its national headquarters into GateBridge. Teachers living in the community could offer after-school enrichment focused on social entrepreneurship and civic engagement project-based learning.



“I love the idea of entrepreneurship education, broadly defined,” Cook notes. “Entrepreneurship is all about solving the problems faced by those in need, whether it’s how best to use personal talents and skills to support oneself and family, how best to deal with food and health deserts or how to enhance civic engagement among community residents. The very process of problem solving and collaboration inspires a sense of possibility. Along the way, confidence, capacity, and life-long skills are developed.”

Ultimately, Cook envisions a network of GateBridge residential communities throughout Washington, D.C., all working to build community wealth and capacity among underserved populations.

Cook conceived GateBridge out of his frustration over the growing income and wealth inequality during Washington’s economic resurgence and the shrinking affordable housing options for workforce and low-income populations. For Cook’s seminar students, GateBridge provides an opportunity to “learn how to look at these complex problems, analyze them and work with communities to develop creative solutions.”

Tyrone Pinkins (L’20) grew up poor in rural Mississippi and developed a passion

“Entrepreneurship is all about solving the problems faced by those in need, whether it’s how best to use personal talents and skills to support oneself and family, how best to deal with food and health deserts or how to enhance civic engagement among community residents. The very process of problem solving and collaboration inspires a sense of possibility.”

for helping underserved communities.

That’s what drew him to Cook’s seminar.

“When I saw this offered, I immediately thought back to my upbringing and the nonprofit I run,” he says.

Pinkins founded the Pyramid Project, a youth mentorship and exposure program that brings teens from poor and underserved communities, largely from the Mississippi Delta region, to Washington. They stay for a week on university campuses, including Georgetown, and get a taste of

college and careers.

For Cook’s seminar, Pinkins proposed bringing this kind of work to GateBridge.

“Exposing kids to society, to social capital, economic capital, before they graduate from high school benefits the community they come from,” he says. “It interlocks perfectly with community development.”

Kayla Gebeck (L’21), an evening student whose day job involves lobbying on behalf of Native American tribes, says the seminar will help her better understand how to efficiently approach community development in Indian Country.

“I work with Native Americans often but I don’t necessarily work in housing, so I’ve been reading the history of how the Natives lost their land, what the current housing conditions are, why it’s like that,” she says. “There are so many parallels with what’s going on in D.C.”

For Cook, what is needed is a “heart transplant” — meaning residents who want to give back to the communities they live in.

“This is not a community where people go to work, come back, eat, sleep and repeat,” he says. “You try to give people a reason to come home, roll up their sleeves and work to better the community.”

SOCIAL JUSTICE

Jennifer Esparza (L'20): 2018 Tillman Scholar Fights Harassment in the Military

For Georgetown Law 2L Jennifer Esparza, the decision to join the United States Marine Corps (USMC) after graduating from high school was about learning and growth, as well as a desire to serve her country.

In the end, it also motivated her to address the issue of sexual harassment in the military.

As an undergraduate at the University of Oregon, Esparza began to call attention to the problem, and those efforts have been amplified at Georgetown — leading to her selection as a 2018 Tillman Scholar by the Pat Tillman Foundation in June. The Tillman Foundation is named for NFL player Pat Tillman, who put his NFL career on hold to serve his country in the U.S. Army in 2002; he was killed in Afghanistan in 2004. The Tillman Scholars Program supports active-duty service members, veterans and their spouses.

Shortly after the events of September 11, 2001, Esparza, just graduated from high school in suburban Los Angeles, left for boot camp at Parris Island, S.C.

“I was looking for my own path,” she says. “I’d met with every branch of the military and nothing felt right until I met with the USMC. I loved the tradition and was looking for a sense of belonging, the camaraderie and the opportunity to do something bigger than myself.”

That “something” was seeing the world for 11 years. She not only saw the desert sands of Iraq, the beaches of Okinawa and the halls of the Pentagon but also negative aspects of the military.

“I had a chief warrant officer who made unwanted advances toward me and other women in our office, and made unnecessary comments about my relationship and personal life. He was later courtmartialed over another matter,” she says. “I eventually left that unit — and the same



thing happened, only that time two men made unwanted physical advances. When I pushed back on a gunnery sergeant, he tried to get me charged with disrespect, but backed off. He was later forced to retire.”

Esparza was determined, in spite of the harassment, “to be stronger, perform better, lead better.

“I thought that would make them respect me more,” she says, “but it only got worse.”

After leaving the USMC, Esparza pursued degrees in international studies and in Arabic at the University of Oregon. She began to reconcile her military experiences via a university program, “Get Explicit,” while educating freshmen on sexual violence prevention. And she contemplated law school.

“When I was growing up, I wanted to be a lawyer, but I thought my family was too poor, I wasn’t smart enough,” Esparza says. “I applied to a few schools and Georgetown accepted me.”

During the application process, the

news broke of the Marines United scandal — involving a Facebook group posting nude photographs of servicewomen. In response, Esparza and three other veterans formed a coalition to support victims and advocate for women still serving in the Marines.

“The [Georgetown Law] admissions department considered all of what I had to offer,” she says. “It’s a military-friendly school.”

In addition to attending classes and activities, Esparza is externing in Washington with the Military Commissions Defense Organization, assisting a team that’s defending one of the 9-11 detainees at Guantanamo Bay. She was also recently elected vice president of Georgetown Law’s Military Law Society.

After earning her law degree, she plans to continue defending human rights and working to serve those facing capital punishment. “As it turned out, serving in the military wasn’t the best experience,” she says, “but I still wouldn’t change a thing.”

Photo Credit: Courtesy of Jennifer Esparza

FACULTY

Professor Shon Hopwood: On Clemency and Second Chances



Professor Shon Hopwood is representing Matthew Charles, who was released from federal prison in 2016 and returned to prison this spring, in a clemency petition.

The story of Hopwood’s astounding life journey from federal prisoner to Georgetown Law professor has been told many times. Today, Hopwood — who joined the Georgetown Law faculty last year — works for criminal justice reform and prison reform so that others may have a second chance, too.

Sentenced in 1996 to 35 years for selling cocaine, Matthew Charles served 21 years and was released in 2016. Though he rehabilitated himself and found a job, Charles was sent back to prison this spring after a judge de-

termined that the release was improper. We talked to Hopwood about the Charles case; the injustice of the parole system; the recent decision of President Donald Trump to commute the sentence of Alice Marie Johnson, who served 21 years for a nonviolent drug offense; and redemption — a subject that Hopwood knows something about. The Q&A follows.

You are getting a lot of media attention because of Matthew Charles. What happened and why did you decide to represent him in a clemency petition?

Matthew received a 35-year sentence for a nonviolent drug offense when he was in his 20s. He served 21 years in federal prison. A judge thought that a new guideline amendment applied to him, and resented him to time served. He was

released for two years, but the government appealed the judge’s new sentence and won. The judge asked the U.S. attorney’s office, will you dismiss the charge, just let him walk? The U.S. attorney refused, and Matthew gets resentenced to the 35 years. Two weeks ago he’s returned back into custody...

Twenty-one years in federal prison, [and] Matthew has not received one disciplinary report. In the two years he was out — the first two years of reentry are the most difficult, and the most precarious for people committing new crimes — Matthew gets a job, gets a house, starts a serious relationship and gets a community at his church. He volunteers every Saturday at a soup kitchen for the homeless, even though he’s trying to get his own life back on track. I talked to people from Nashville, and one, they’re really upset, and two, they’re furious that he’s going to have to do 10 more years in federal prison. I got called [by Families Against Manda-

tory Minimums] to talk about, who could we get to represent him? It didn't take long to realize that I was probably the right person for this... I want others to experience the second chances that I've been given.

What can we do to alleviate these kinds of injustices?

Immediately, we're trying to raise awareness. This case has kind of caught wildfire. It's the first case I've seen like this, that everyone on the political spectrum — including many prominent conservative politicians and lawyers and advocates — are also imploring the president to grant clemency... And I should be clear — we're not seeking a pardon. What we are seeking is clemency and a commutation of the sentence to time served. He would still have the conviction on his record, [but] his sentence would be reduced to time served and he would be released back to Nashville.

How often is someone sent back to prison like this?

It doesn't happen very often...here, what was unusual is that the trial judge released him pending the appeal and he actually got out. [But] there are thousands of Matthew Charleses serving really long sentences who have completely reformed themselves; they just never get the opportunity to get out and show it.

The *New York Times* outlined some of the problems of the pardon system. Thoughts on that?

The Office of the Pardon Attorney is in the Department of Justice. The same group of people who prosecute people are then weighing in on clemency decisions. The whole idea of clemency is that someone may have committed a crime or received a sentence many years ago and has changed. The federal prosecutors who prosecute those crimes don't see the

change. They only remember the man or woman when they're charged and convicted. So it seems like an ill fit.

President Trump commuted the life sentence of Alice Marie Johnson. Thoughts on that case?

I was greatly encouraged that the president commuted her sentence. She was serving a life-without-parole sentence for a nonviolent drug offense — a 63-year-old grandmother. She is another person who has proved that she is worthy of a second chance by her conduct in prison. She would have died in prison.

What does it mean to a lawyer when a celebrity steps in, to advocate for a prisoner?

If Kim Kardashian goes to the White House tomorrow and Matthew Charles ends up getting released, I will celebrate and jump up and down...it doesn't bother me in the least. I just told NBC today that we need more celebrities talking about these injustices. If we had that, we'd have more people getting out and we'd have more change.

Why does this client resonate with you?

I know how much punishment ten more years of prison will be...Matthew Charles will not come out of it better. I just had a heart to try and help him because I feel for his family and what they're going through and how far away he will be incarcerated from them, and how hard it is for them to have visits with him. All those little things that go into when someone is incarcerated for a decade or more.

People have no concept of a year in prison, how much punishment that is...our sentences are so long, and have been so long for such a long time, that people forget [what life] in an American prison is. If I thought these long sentences actually made us safer, I would probably

“I got called [by Families Against Mandatory Minimums] to talk about, who could we get to represent him? It didn't take long to realize that I was probably the right person for this... I want others to experience the second chances that I've been given.”

be screaming about the injustice, but we know the current system probably makes us less safe.

Matthew Charles and his girlfriend Naomi have already said, if we make this happen, we are going to be the new criminal justice reform advocacy couple. So it will be a good thing for them, but it will also show people currently in federal prison that if you do the right things, you could be the next Matthew Charles.

You could be the next Shon Hopwood...

That, too. Most of the people inside prison have the potential for rehabilitation. The difference with me was that I was afforded many second chances that others were not. I can't tell you how crazy my life has been. I had a day a few weeks ago where I went to the White House for a meeting on how to fix the Federal Bureau of Prisons, and a couple hours later I was at the federal District Court teaching about reentry to 150 federal judges for the Federal Judicial Center. I just thought, I am living someone else's life. I love my job; I get to teach students and help people all the time.

Photo Credits: Ines Hilde; Getty

COMMENCEMENT 2018



COMMENCEMENT 2018

A Brilliant Future



The rain clouds parted, the mood was jubilant and Georgetown Law's 146th Commencement went ahead on Healy Lawn according to plan — to the delight of the 654 J.D., 601 LL.M., and 7 S.J.D. students who received their diplomas on Sunday, May 20.

D.C. Delegate Eleanor Holmes Norton (D-D.C.) and Judge Merrick B. Garland of the U.S. Court of Appeals for the District of Columbia Circuit each received honorary degrees from the Law Center. Norton, who is also a Georgetown Law professor, retires this year from the faculty after 36 years. She has received honorary degrees from more than 50 universities (including Georgetown University in the 1970s) and now, Georgetown Law.

"Today, Georgetown University recognizes a person who has dedicated her life's work to the enduring struggle for universal human and civil rights," said Georgetown Law Professor Peter Edelman, who introduced Norton. "As a lawyer, teacher and public servant — and my friend for decades — Eleanor Holmes Norton has demonstrated an unparalleled persistence and fierce willingness to stand up for what is right, not only breaking barriers for women in the workplace, but also the district she loves and represents."

Throughout her career, Norton has played a key role in the national conversation around sexual harassment and equality in the workplace. A member of Congress for 14 terms, she has worked tirelessly to raise the national consciousness on these and other issues.

Professor Neal Katyal said that Judge Garland represents "the pinnacle of the legal profession."

"The federal courts have had legendary judges grace the bench since our Founding, but none has served with more wisdom, grace, brilliance, and commitment to legal principle than Chief Judge Garland," Katyal said. "He is a model for every judge in this country. Like Judge Friendly and Judge Learned Hand before him, there is no doubt that Merrick Garland will be remembered as one of the finest judges in history to have served on any court in our nation."

In her Commencement address, Norton told the graduates to never forget that they are lawyers first.

"Georgetown's newly minted lawyers, Class of 2018...[are entering] a profession that must always be on the front lines to preserve the oldest and most precious gifts from the Founders of our nation: a written Constitution to guarantee the rule of law and the rights of the people..." Norton said. "To the Georgetown Law Class of 2018, I say, please lead us."

EXCERPTS OF MAY 2018 GEORGETOWN LAW COMMENCEMENT ADDRESS

Congresswoman Eleanor Holmes Norton (D-D.C.)

May 20, 2018

Georgetown's newly minted lawyers [from the] Class of 2018 are entering one of our most traditional ... professions: a profession that must always be on the front lines to preserve the oldest and most precious gifts from the founders of our nation — a written Constitution to guarantee the rule of law and rights of the people.

Many of today's graduates may use their Georgetown Law degree other than in the traditional practice of law, at least for part of their professional life. But as you receive the diploma that reflects your hard labor, I ask you to never forget that as of today, you are a lawyer, whatever you choose to do with your law degree. In the unlikely event that you do not pass your bar examination the first time — I say, take it again, even if you do not practice law.

Although I have spent much of my own life not practicing law in public service, I have always considered myself a lawyer. I was a tenured professor of law here at Georgetown before being elected to Congress, and I continued to teach a seminar as a Member of Congress until this academic year.

Despite being elected to the House of Representatives, I continued to teach at the [Law Center], except during my first term. After all, I told my students, in my race to fill a seat that had been vacated, running against half a dozen opponents, it was easier to get elected than to get tenure. Actually, though, I enjoyed teaching and did not want to give it up. Teaching using the Socratic method uniquely exercises the mind.

Teaching at Georgetown, I developed a seminar that combined what I had learned as a law professor, practicing lawyer, chair of a law enforcement agency — the United States Equal Employment Opportunity Commission — and as a Member of Congress. I titled the seminar "Lawmaking and Statutory Interpretation" out of my experience both enforcing and writing laws. I developed a fascination with how and why courts have so much difficulty interpreting our laws. I reluctantly gave up teaching this year, because Democrats could take control of the House and I could become a committee chair.

My work in Congress has benefitted immensely not only from my legal education but from always considering myself a lawyer. Even today, all of my legislative assistants are lawyers, including Portia Boone (L'13) and Trent Holbrook (L'16). Though many Members of Congress do not require a law degree [for] a legislative assistant, for me, 'once a lawyer always a lawyer,' in need of

other lawyers to try out my ideas. These young lawyers who serve as legal assistants have benefitted my work in Congress immensely on the incredible mix of issues that come before the Congress.

Although I am urging the Class of 2018 to always regard yourselves as lawyers, whatever you do, I confess that the official body where I serve, where 50 percent of the Senate and 36 percent of the House are lawyers, may not be the best evidence that lawyers do good in the world. Still, more than half of our presidents began as practicing lawyers, including most recently, Barack Obama, and the greatest of them, Abraham Lincoln. Of course, people do not go to [law] school to become president or Members of Congress. Nevertheless, you will find that your Georgetown Law degree will carry assumptions about your potential to be leaders of your communities.

Today, the Georgetown Law class of 2018 is in a position to assume leadership in the profession before waiting your turn. Already, members of your generation, even younger than you, are taking leadership of one of the most difficult issues in the country — gun violence prevention. Not yet in college, much less thinking of law school, Parkland, Florida, students have summoned a new generation that is moving this vexing gun issue forward for the first time in a generation. These high school students recently brought thousands of Americans of every age to the nation's capital and started a movement that has the gun lobby on its heels.

The Parkland teenagers have learned from prior generations that citizen action and leadership in our country are necessary to move immovable issues, the way my generation of African Americans did when I was in the civil rights movement as a member of the Student Nonviolent Coordinating Committee, or SNCC, as we called it, or the way generations of women protested until they won the right to vote and changed the Constitution itself. Change, especially change that requires legislative solutions, will not occur easily given our vast, inherently disharmonious, and increasingly polarized country. Change will only occur if we make the highest, best and most peaceful use of the First Amendment.

The law has been fundamental to change in our country, especially the First Amendment. Yet there is recent disquieting evidence on college campuses of intolerance of speech at odds with the progressive views many in your generation and I share. A Brookings Institution survey examining college students' views of the First Amendment found "freedom of expression is deeply imperiled on U.S. campuses." For example, a significant number



“ Today, the Georgetown Law Class of 2018 is in a position to assume leadership in the profession before waiting your turn. Already, members of your generation, even younger than you, are taking leadership of one of the most difficult issues in the country — gun violence prevention. Not yet in college, much less thinking of law school, Parkland, Florida, students have summoned a new generation that is moving this vexing gun issue forward for the first time in a generation. These high school students recently brought thousands of Americans of every age to the nation’s capital and started a movement that has the gun lobby on its heels. ”



Georgetown Law Dean William M. Treanor and University President John J. DeGioia award an honorary degree to D.C. Delegate (and Commencement speaker) Eleanor Holmes Norton at the 2018 Law Center Commencement. Judge Merrick B. Garland also received an honorary degree (see p.75).

of college students believe that “hate speech” is not protected by the First Amendment. Fifty-one percent believe that shouting down a controversial speaker so he or she could not be heard was acceptable — 63 percent were Democrats and 38 percent were Republicans, but bear in mind that the most controversial speakers on campuses today are from the far right.

Will the generation that is using protest so precociously for issues they favor, like gun safety, also exercise the tolerance that allows those who favor the opposite side to be heard? According to the Brookings survey, this is not a rhetorical issue. In fact, history shows that our society periodically must relearn the reasons the Framers added the Bill of Rights as a vital addendum to the nation’s founding document. Inevitably, we periodically get the challenge to apply the Bill of Rights to conditions the Framers could not have imagined. There is some indication that this generation could use the benefit of leadership, not from my generation, but from their own generation of young lawyers, whose education equips them to explain in terms their generation can understand that the First Amendment right to speak must be reciprocal.

I do not mean re-teaching the meaning of the First Amendment by bringing cases. Few lawyers will have the opportunity I had as a young lawyer, not long out of law school and the civil rights movement, to argue a case in the United States Supreme Court representing an unabashedly racist organization barred by a prior restraint court order from appearing again after engaging in racist and anti-Semitic remarks at a rally. Or another I argued in the New York courts when liberal mayor of New York John Lindsay denied notorious Alabama Governor George Wallace a permit to speak at a public facility, Shea Stadium. These were not difficult cases in light of controlling precedent. My direct clients were a minority in American society, proselytizing racists with whom I had nothing in common. Yet it was clear that the ultimate client was the First Amendment itself.

Those who have brought change to our country did not win it by shutting down the other side. They won change the hard and only way that ensures it will be lasting. They persisted against their adversaries until they persuaded the country that they should prevail. To be sure, sometimes the change makers have pursued change using lawyers and judges, like Georgetown’s many alumni. Even so, ultimately, change makers, acting with vital help from the law, must persuade the democratic majority to accept change, even if they won it in the courts.

Who is in the best position to help not only young people, but also the American people, to relearn the purposes and uses of the First Amendment for these times and in our polarized society? I believe I am speaking to them now, as the 2018 Georgetown Law graduates go on to become leaders of their communities.

The First Amendment as a tool for change is far easier to understand ... the benefits when all sides are heard. That is where young lawyers can come in — trusted members of their own generation speaking in their own terms and language, offering reasons why hearing the other side of arguments is critical to change our society. After three years of law school, the class of 2018 knows that lawyers sharpen their own cases best when they have heard the other side. And we all know that allowing the other side to speak without interruption earns respect from the public, the actual party we need to accept the change we are after.

The often quoted line from Shakespeare, “let’s kill all the lawyers,” is only noting the reality that lawyers not only survive, they lead. They lead wherever leadership is needed in the country and in their communities. The Georgetown Law degree the class of 2018 earns today is a key that can unlock many doors. Your degree gives you a key to open the door to personal success. But this key also allows you to spread the full value of your degree to a society that is on a perpetual search for leadership to encourage us to embrace our best instincts and honor our proven principles.



COMMENCEMENT

Honorary Degree Citation — Merrick B. Garland

Today Georgetown University recognizes a man who has devoted his life to serving Government and the Rule of Law. As the Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, as a high-ranking U.S. Department of Justice official, and as a private lawyer, Merrick Garland represents the pinnacle of the legal profession. His even-handed and sober dedication to fairness and principle serves as a model for every lawyer.

Judge Garland's grandparents fled anti-Semitism in Eastern Europe, finding a home in Chicago. It was there that a young Merrick Garland was taught the values of honesty, perseverance and service. His father ran a small business while his [mother] headed the local school board. His hard work led him to be valedictorian of his high school and ultimately won him a scholarship at Harvard College, where he graduated *summa cum laude*. Merrick Garland performed equally well at Harvard Law School, and upon graduation clerked for two legendary jurists, Judge Henry Friendly and Justice William Brennan.

With his brilliance and hard-working nature, it was no surprise that Merrick Garland became a partner at one of our nation's leading law firms in just four short years. It was quite a surprise, though, when he left that partnership a few months later

to become a line prosecutor. But Merrick Garland saw the crime rates in Washington, D.C., and wanted to be part of the solution. And he was. He handled some of the most important criminal cases involving the federal government with unimpeachable integrity and rigor, including by overseeing the successful investigation and prosecution of the Oklahoma City bombers, who killed 168 people.

Following the Oklahoma City prosecution, President Bill Clinton nominated Merrick Garland to serve as an appellate judge. Later, he was elevated to Chief Judge of his court. The federal courts have had legendary judges grace the bench since our Founding, but none has served with more wisdom, grace, brilliance, and commitment to legal principle than Chief Judge Garland. He is a model for every judge in this country. Like Judge Friendly and Judge Learned Hand before him, there is no doubt that Merrick Garland will be remembered as one of the finest judges in history to have served on any court in our nation.

In recognition of his unbounded commitment to fairness and the Rule of Law, and because he is a model for lawyers and jurists alike, Georgetown is privileged to bestow upon Merrick Garland the degree of Doctor of Laws, *Honoris Causa*.

Photo Credit: Sam Hollenshead

COMMENCEMENT 2018

Four Generations of Hoya Lawyers



While some members of the 2018 graduating class were the first in their families to graduate from Georgetown Law, Erin Steele (L'18) happens to be the seventh — and the first woman. Steele (L'18), who will work at McDermott Will and Emery in Washington, D.C., joins her father Charles M. Steele (L'84), her grandfather Charles J. Steele (C'52, L'54, LL.M.'56), and her late great-grandfather John J. Carmody (L'1923) as a Hoya Lawyer.

Her uncle John J. Steele (L'85), her great-uncle John J. Carmody Jr. (L'61), and a cousin, George T. Marcou Jr. (L'84), also attended Georgetown Law.

"I'm really honored to be graduating from Georgetown; I've always looked up to these guys," Erin said, as she stood with her father and grandfather before the ceremony. "To be able to follow in their footsteps at such a great school is unique."

Charles J., Erin's grandfather, a former antitrust and health care litigator, traveled a mere two blocks to attend the ceremony

from his home in Georgetown. Charles J. still recalls a criminal law class with the legendary Edward Bennett Williams, for whom the law library is named. He was also the second winner of Georgetown Law's Beaudry moot court competition in 1953.

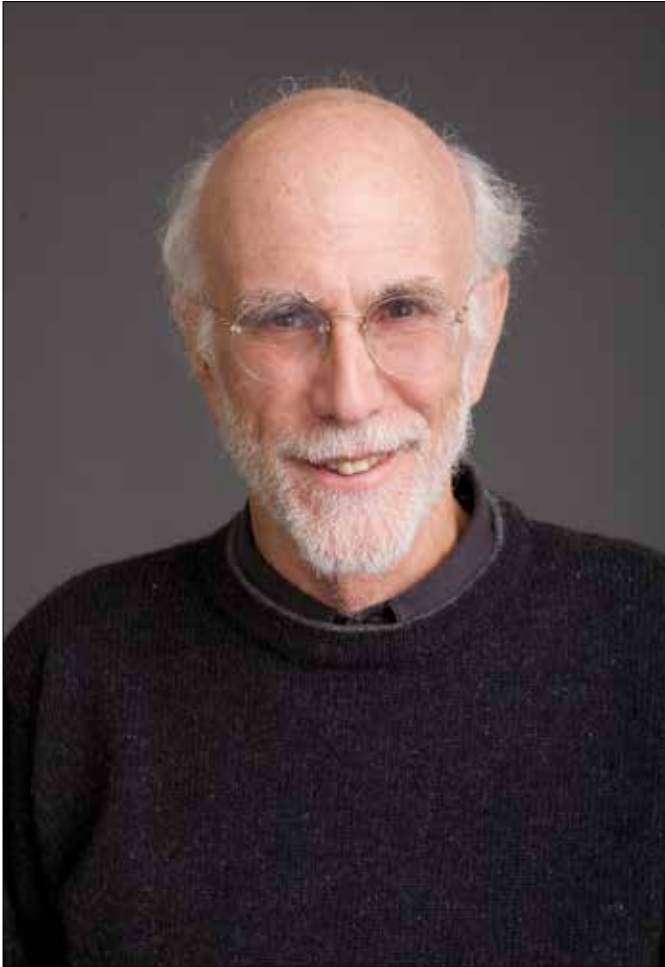
"I'm proud of [Erin] for many reasons, and this is now one of them," her grandfather said.

Charles M., her father, spent a career in the federal government, serving in senior positions in the Justice and Treasury Departments as well as the FBI. Erin's late great-grandfather, John J. Carmody, also had a long and distinguished career in Washington. A general business law practitioner and a co-founder of the firm Whiteford, Hart, Carmody, and Wilson, Carmody also served as president of the D.C. Bar.

"Georgetown prepared all of us for success, and we look forward to watching Erin carve her own path," Charles M. said.

Family photos courtesy of Charles M. Steele (L'84).

In Memoriam



In Memoriam: Professor Stephen B. Cohen

Professor Stephen B. Cohen, who taught tax and human rights courses at Georgetown Law to generations of students, died August 17. He was 72.

“Steve was a beloved colleague, teacher, and scholar, touching many lives during his 38-year tenure at the Law Center,” said Dean William M. Treanor.

Cohen earned his A.B. at Amherst in 1967 and his J.D. in 1971 from Yale. He was deeply involved in the antiwar movement and in Senator Eugene McCarthy’s 1968 presidential campaign. Cohen worked at the very heart of the campaign, even traveling on the plane with the candidate. “Very heady stuff for a 22-year-old,” Cohen once noted.

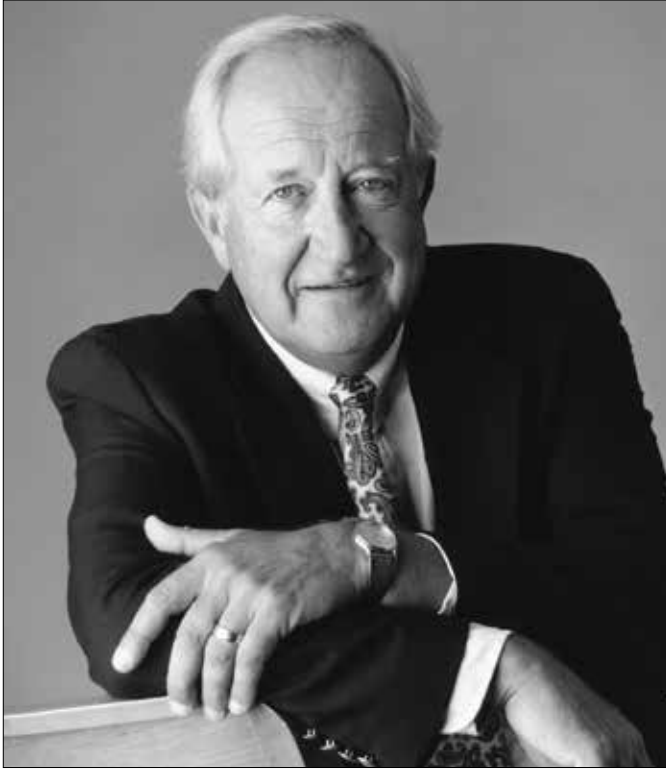
He joined the Carter Administration in the 1970s. Serving first on the policy planning staff at the State Department, he later became a deputy assistant secretary of state for human rights. “He was involved, then, in the very early formulation of a human rights diplomacy at the center, rather than the periphery, of foreign policy,” Professor Emeritus Norman Birnbaum wrote of Cohen.

He joined the Georgetown Law faculty in 1980 — teaching classes including Basic Federal Income Taxation, Taxation of Corporations and Shareholders, and Tax Policy: South African System — but continued to serve as a contributor to major national and international newspapers.

Cohen focused on South Africa at the State Department and later was appointed by President Bill Clinton to the board of the Southern African Enterprise Development Fund, financing new businesses in Southern Africa, and the Academic Advisory Board of the International Human Rights Law Group.

Cohen considered tax law to be closely connected to human rights, viewing tax systems “as concrete expressions of a society’s real conception of justice,” according to Birnbaum.

Cohen’s writings include a casebook on federal income taxation and various articles on tax and corporate law and on national security and foreign policy. In addition to Georgetown Law, Cohen also taught at Harvard, Stanford, the University of Wisconsin, the University of Cape Town, South Africa, and Heidelberg University, Germany. He was named Faculty Member of the Year by Georgetown Law staff in 2014.



In Memoriam: Professor Emeritus John G. "Jack" Murphy Jr. (LL.B.'61)

Professor Emeritus John G. "Jack" Murphy Jr. (LL.B.'61), who joined the Georgetown Law faculty in 1965 and taught courses ranging from Commercial Law to Federal Election Law, died May 26. He was 80.

"Jack was a highly-sought-after teacher, active scholar, and a beloved member of our community," said Dean William M. Treanor, noting that Murphy was a "major force in governance" of the entire Georgetown University as well as the Law Center.

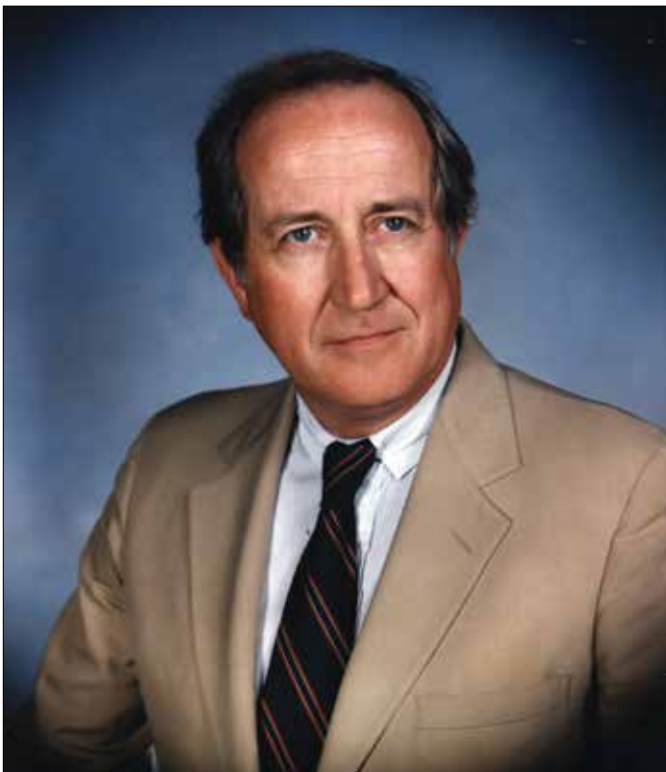
"One of his brightest achievements was helping design the Office of Economic Opportunity's Legal Services Program, providing free legal counsel to the poor," Treanor noted. "This served as the foundation for today's Legal Services Corporation, the single largest funder of civil legal aid for low-income Americans in the nation."

Murphy earned his A.B. from Harvard in 1958 and a law degree from Georgetown Law in 1961. He clerked on the U.S. Court of Appeals for the D.C. Circuit, practiced at Covington & Burling in Washington, D.C., and served as conference director for Health, Education and Welfare and Office of Economic Opportunity programs for the delivery of legal services to low-income individuals. Later, Murphy served as general counsel to the Federal Election Commission, created to oversee campaign finance reforms in the wake of the Watergate scandal.

As an educator, Murphy taught courses in Individual Rights, the Supreme Court, the Federal System, Commercial Law, Federal Election Law, Professional Responsibility, Corporations, and Criminal Law.

From 1982 to 1986, Murphy served Georgetown Law as associate dean for the Graduate Program.

"Jack has been there for faculty, staff and students for every turn," Professor Wally Mlyniec (L'70) noted at the time of Murphy's retirement in 2008. "Jack was always dedicated to the Law Center's academic mission and his endeavors were driven by his sense of learning. William Butler Yeats once told us that 'education is not the filling of a pail, but the lighting of a fire.' Jack has lit a fire for all who have known him, a fire that will illuminate our future, a fire that will burn brightly for Georgetown Law long after all of us have joined him in sweet reverie."





In Memoriam: Sister Dorinda Young, S.S.J.

Sister Dorinda Young, S.S.J., age 78, of the Sisters of St. Joseph of Northwestern Pennsylvania, died on March 18. She was born Judith Anne Young, in Erie, Pa., and later became Sister Dorinda after entering the Sisters of St. Joseph in 1958. She professed her final vows in 1966. This year, 2018, she would have celebrated 60 years of religious life.

Sister Dorinda earned a B.S. degree at Villa Maria College and an M.A. in Religious Education from Fordham University, with a concentration in Campus Ministry. In 1982, she began a 35-year ministry serving as a Roman Catholic Chaplain at Georgetown. In 1989, while chaplain at the School of Nursing, she was asked to become a part-time chaplain at Georgetown Law. When she moved into Gewirz Student Center as Chaplain-in-Residence in 1993, she began a full-time ministry. Her particular interests included facilitating the on-campus “Prayer-in-Daily-Life” retreats, prayer and spirituality, women’s issues and personal and faith counseling. She received the Georgetown University Vicennial Medal in 2003 for 20 years of service to the University.

In honor of her 50th anniversary as a Sister of St. Joseph in 2008, Georgetown Law hosted a panel discussion, “The Intersection between Religion and the Law.” In 2017, Sister Dorinda was honored with the Carol Quindlen O’Neil Award, which recognizes a colleague of the Law Center who embodies the characteristics she exhibited during her tenure at the Law Center:

excellence, compassion, respect for others and long term dedication to Georgetown Law.

Sister Dorinda’s sources of inspiration were the late Father Robert J. Drinan, S.J. for his passion and commitment to international human rights; and Elizabeth Johnson, C.S.J., for her vision, passion, and prayerful and scholarly attention to Wisdom/Spirit, and the voice and vision of feminist pioneers. Sister Dorinda was a voracious reader who enjoyed being surrounded by stacks of books.

Counselor, Mentor, Friend

Sister Dorinda served as a counselor, mentor, and friend to countless generations of Georgetown Law students — whether hosting Thanksgiving dinners at her Gewirz apartment for those stranded over break; greeting new Georgetown Law parents at Family Weekend; or getting the Law Center pumped each year for March Madness, cheering on her beloved Hoyas basketball team. For years, she persuaded everyone at the Law Center to fill out their NCAA brackets, with bets going to her favorite charities.

Sister Dorinda’s passion for the Hoyas was so infectious that it caught the attention of *The Washington Post* during the Final Four at the end of March Madness, the men’s NCAA basketball tournament in 2007. In “Sister Lends Hoyas More Than Spiritual Support,” the *Post* described how Sister Dorinda rode nine hours to Atlanta with Georgetown Law students to get to the Final Four. “It goes without saying,” the *Post* reported, “that March is her favorite month.”

FACULTY

Faculty Honored for Teaching and Scholarship

“I don’t think I’ve ever read teaching evaluations that had so many varieties of superlatives...all the different kinds of qualities that Lily’s students value in her.” *Professor Naomi Mezey*



Professor Lilian Faulhaber, an expert in taxation and international law, was honored on April 26 with Georgetown Law’s Frank F. Flegal Excellence in Teaching Award.

“I don’t think I’ve ever read teaching evaluations that had so many varieties of superlatives...all the different kinds of qualities that Lily’s students value in her,” said Professor Naomi Mezey, who chairs the Teaching Committee that chose the award.

Several members of Georgetown Law’s J.D. and LL.M. adjunct faculty were also honored. Associate Dean Julie O’Sullivan announced that the Charles Fahy Distinguished Professor Award for the J.D. Program went to Kondi Kleinman (L’05) — a Department of Justice prosecutor and Georgetown Law alum who teaches Negotiations.

“His teaching reviews would make all of us green with envy,” O’Sullivan said. “They are extraordinary.”

Associate Dean Rosa Brooks presented the Fahy Distinguished Professor Award for Graduate Programs to Judge Florence Y. Pan of the District of Columbia Superior Court, who teaches constitutional law and criminal procedure. “We have some of the world’s most amazing adjuncts; we are so fortunate to be here in Washington...so fortunate

to get the time and the talent and the energy of so many extraordinary people,” Brooks said.

Longtime Adjunct Professor Kevin Keyes, who passed away in February, was remembered for his 28 years of teaching classes including corporate tax.

Associate Dean John Mikhail presented a rundown of the scholarship of Georgetown Law professors during 2017-2018, including books, law review articles, Supreme Court briefs, congressional testimony and more.

Finally, Professor Daniel Tarullo, who served on the Federal Reserve’s Board of Governors from 2009 to 2017, delivered a keynote address on the history and structure of the Federal Reserve. Tarullo specializes in banking and finance, international law and international trade.

“[M]y experiences...led me to the view I’ve had for quite some time that the Fed’s organization and authorities raise some issues of constitutional significance that bear exposition by an insider, albeit someone [trained as] a law professor, not a true member of the central bank club...” Tarullo noted, adding that the structure made sense for the original Federal Reserve in 1914. “If we were starting from scratch, I’d change a lot — but we’re not starting from scratch.”

TAXATION

Professor Lilian Faulhaber: "Take Tax."



Professor Lilian Faulhaber, an expert in U.S. and international tax, has become an indispensable member of Georgetown Law's tax faculty since coming to the Law Center in 2015. In 2018, she was presented with Georgetown Law's Frank F. Flegal Excellence in Teaching Award [see page 80]. Faulhaber has recently participated in several conferences co-sponsored by the Institute of International Economic Law discussing international ramifications of the new U.S. tax law. She's working on an article entitled "The Trouble with Tax Competition: From Practice to Theory" for the *Tax Law Review*. And she's been quoted in the media regarding tax reform.

How is the tax faculty responding to tax reform?

In general, there are changes on the individual side, there are changes on the corporate side, there are changes on the international side, and all of them are essentially changes that are layered on top of the existing structure. So it's not as if the tax re-

form ripped apart what existed before, or eliminated what existed before and replaced it with something new. Instead, it essentially just modified things that existed before or layered on more provisions on top of the ones that exist. And so what that means is that in general, we're not teaching entirely new classes yet. But all of the professors are very aware that we need to update our classes to respond to the tax reform.

What can you say about Georgetown Law's tax faculty?

We actually meet as a group every few weeks just to talk about our curriculum offerings and things along those lines. I meet one on one with many of my colleagues and we discuss everything from teaching challenges to tax reform. My research focuses on international tax, so...I've definitely thought about how to change the teaching of international tax, because there are such fundamental changes in that space that have taken place and those are going to be permanent... My colleagues who teach corporate law or corporate tax are also very aware [of the changes]. So we talk about how to do this best.

What drew you to tax in the first place?

I took federal income tax in my 2L year and I loved it. I realized that that’s where policy is made in the United States and that if you are interested in policy issues you need to understand what Congress has decided about those issues in the code. I just fell in love with it, and I wanted to take more tax classes. That led me to practicing as a tax attorney, and everything went from there.

What was your undergraduate degree?

History and literature of France and America. That’s where the international side comes from.

So you focused on international tax.

I have always been really interested in international policy in general. In some ways it just made sense that my interest in international law and European law ended up intersecting with my interest in tax. But I am particularly drawn to questions about tax avoidance and tax competition, and we are at this moment where there’s a lot of focus on that, and there are a lot of different ways of understanding it, and there’s really a need for some sort of academic insight into that. It seems like a good time for me to be involved in it. I worked at the OECD [Organisation for Economic Co-operation and Development] and I worked on international tax for several years, so my current focus is a combination of my interests and the fact that what’s going on right now is really interesting.

You have served as an expert panelist in two conferences hosted by Georgetown Law’s Institute of International Economic Law in 2018 — looking at international issues such as how you prevent taxpayers from reducing the amount of tax that they pay in the United States using international structuring and the compliance of U.S. tax reforms with World Trade Organization law...

These conferences are examples of the type of thing that happens at Georgetown, where you can have some of the top economists and tax advisers in the country. We had experts from Germany, and we had one of the top government officials from the U.K. speaking at our conference. That you can have these people on campus talking about tax reform in one of the very first conferences about the international tax provisions of the 2017 tax reform bill, and that you can just go to that as a student, I think that’s an amazing opportunity that you can’t get at places other than Georgetown.

Any scholarship you’re working on at the moment?

I’m finishing up a paper about tax competition — i.e., international competition between jurisdictions using their taxes — and challenging the idea that there is one understanding of tax competition. I think that’s an important addition to discussions of international tax just because the term “tax competition” is used so often, and yet no one really agrees on what it means. So I’m trying to break that down into various types of tax competition, to force more honesty and transparency into the conversation. I’m also working on an article about taxation of so-called digital companies, both internationally and at the U.S. state level, where I look at the trends that we can see in the international efforts to subject companies like Apple and Google and Microsoft to taxation on earnings that don’t traditionally meet the definition of income.

Anything you want to say about your classes?

I love teaching tax. It’s a fun class to teach. It’s a class where a lot of students don’t expect it to be as heavy on policy as it is. I think a lot of students are surprised by how much more relevant it is to their lives than they think it will be and that it’s not an accounting class — it’s actually a class about how our government makes policy and what kind of decisions it makes. The Georgetown Tax Law and Public Finance Workshop that I co-teach in the spring is a great opportunity because we bring in speakers from outside, and so students get to see the cutting-edge tax scholarship. I think it’s really exciting for them to see what’s actually being discussed right now, and what the hot topics are. We have a lot of speakers talking about tax reform, so it’s an exciting time to be involved in this world.

Anything you’d like to say to prospective students, J.D. or LL.M.?

Take tax. I think Georgetown is a fantastic place to be if you’re interested in tax, or if you don’t even know yet that you are interested in tax. We have such an incredible number of adjunct professors, from practice, from courts, from all around the city who are actually involved in making tax policy and involved in advising clients. I think that when you come to Georgetown, you get this very strong full-time faculty, all of whom have backgrounds in practice and policy, and you also get all the specialized courses that are taught by adjuncts. I just don’t think you can get that anywhere else.

Faculty Awards

Former Assistant Dean Everett Bellamy



Former Assistant Dean Everett Bellamy was honored at Georgetown University's Entrepalooza, a celebration of entrepreneurship, with an Entrepreneurial Excellence Award for Lifetime Achievement as a faculty member.

Professor Sheila Foster



Professor Sheila Foster received the Distinguished Scholarship Award from the IUCN (International Union for Conservation of Nature) Academy of Environmental Law.

Professor Anna Gelpern



An article co-authored by Professor Anna Gelpern, "Inside Safe Assets," was selected as one of the top 10 Corporate and Securities Articles of 2017 by *Corporate Practice Commentator*.

Professor Lisa Heinzerling



Professor Lisa Heinzerling was recently honored with Georgetown University's President's Award for Distinguished Scholar-Teachers by President John J. DeGioia. Heinzerling specializes in administrative and environmental law.

Take Note

GEORGETOWN CLIMATE CENTER HONORED FOR COMMUNITY PROJECT

The Georgetown Climate Center has been selected as the 2018 Educational Sector recipient for the Metropolitan Washington Council of Governments Climate and Energy Leadership Award — honored for its community engagement work in climate-vulnerable areas of Washington, D.C. Along with D.C.’s Department of Energy and Environment, the center conducted a year-long project in Ward 7 neighborhoods surrounding a tributary of the Anacostia River, working with community leaders to provide recommendations concerning two District climate plans.



PROFESSOR EDITH BROWN WEISS HONORED



Professor Edith Brown Weiss, the Francis Cabell Brown Professor of International Law and an expert in the areas of public international, environmental, and water resources law, was honored for her contributions to these fields at the end of the all-day symposium sponsored by the *Georgetown Environmental Law Review* in March.

Brown Weiss has been “monumental in the field of international environmental law” and “an inspiration...to generations

of young advocates,” said Sarah Ruckriegle (L’18).

“She’s a significant mentor and contributor to the academic research and publication community...and has authored numerous scholarly articles and books on international environmental issues” — including the award-winning *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*, which has been published in multiple languages.

Assistant Dean Vicki Arroyo (L’94), executive director of the Georgetown Climate Center, noted that Brown Weiss has presented the general course on public international law at The Hague Academy of International Law and received the Manley O. Hudson Medal from the American Society of International Law, among other achievements.

“We and so many others who have passed through Georgetown are grateful for your scholarship, your teaching, your coaching, and your contributions to the Georgetown Law community,” Arroyo said.

PROFESSOR TISCIONE LEADS LEGAL WRITING INSTITUTE

Professor Kristen Tiscione was named head of the Legal Writing Institute, a nonprofit organization with 3,000 members devoted to improving the teaching and quality of legal communication. In July, Tiscione presided over the organization’s biennial meeting at Marquette Law School in Milwaukee — a meeting that nearly all of the Georgetown Law legal writing faculty attended. Georgetown will host the 2020 conference.

TAKE NOTE

Associate Dean Kristin Henning is now associate dean of Clinics, Centers, Institutes, and Experiential Learning.

Professor Paul Ohm is the new associate dean of Academic Affairs, working with the J.D. and LL.M. curricular teams and the Registrar as they continue to develop Georgetown Law’s vast curriculum.

Professor Julie O’Sullivan, formerly Associate Dean of Academic Affairs, has taken on a newly created position of Associate Dean for Professional Development and External Programs.

TENURE

Professor Lilian Faulhaber (see pages 80-82) and Professor Maria Glover are the latest Georgetown Law professors to receive tenure.

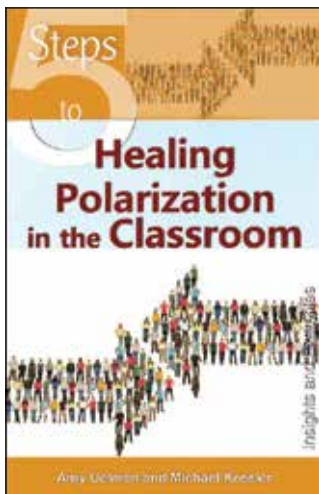
Faculty Books



/ Overcharged: Why Americans Pay Too Much for Health Care **Professor David Hyman**

Why is America's health care system so dysfunctional and expensive? Why do hospitalized patients receive bills laden with inflated charges that come out of the blue from out-of-network providers, or that demand payment for services that weren't delivered? Why do we pay \$600 for EpiPens that contain a dollar's worth of medicine? Why is more than \$1 trillion — one out of every three dollars that passes through the system — lost to fraud, wasted on services that don't help patients, or otherwise misspent?

In *Overcharged: Why Americans Pay Too Much for Health Care* (Cato Institute, 2018), Georgetown Law Professor David Hyman and his fellow Cato adjunct scholar Charles Silver answer these questions. *Overcharged* shows how government replaces competition and consumer choice with monopolies and third-party payment, making America's health care system as expensive as possible.



/ 5 Steps to Healing Polarization in the Classroom **Visiting Lecturer Amy Uelmen**

Visiting Lecturer Amy Uelmen, who teaches seminars in law and religion, professional ethics, and Catholic social thought, has co-authored *5 Steps to Healing Polarization in the Classroom* (New City Press, 2018) with Adjunct Professor Michael Kessler (L'09), managing director of the Berkley Center for Religion, Peace and World Affairs at Georgetown University. "This book is not wishful academic thinking — it's a road map for using the classroom to heal polarization, shaped by real-world experience," writes Robert K. Vischer, dean of the University of St. Thomas School of Law. "Uelmen and Kessler show the vital importance of higher education in equipping faculty and students alike to push back against what Pope Francis calls the 'culture of indifference.' This book is an invaluable manual for helping students become skilled professionals who know how to practice dialogue in their academic, economic and personal lives."

New Faculty

PROFESSOR HILLARY SALE: CHAMPIONING LEADERSHIP

Women today comprise about 50 percent of students enrolled in U.S. law schools and about 40 percent of MBA candidates. Yet as women rise through the corporate world, the pipeline narrows dramatically. According to a 2017 survey of *Forbes* 1000 companies, for example, only 19.8 percent of board seats were held by women.

Georgetown Law Professor Hillary Sale is determined to change those numbers.

After serving as a visiting professor, Sale joins the Georgetown Law faculty full time this year (she is also a faculty member at the McDonough School of Business). A renowned scholar in corporate and securities law — with a particular focus on corporate governance — she teaches women and leadership for law and business students, as well as for corporate and legal firm executives.

“I do think right now there is a deep awareness around gender, and that is prompting a lot of women to think more about what they want to advocate for in their own lives and careers,” Sale says.

Sale finds that instructing others about leadership is extremely valuable in her own life. “I always try to apply what I’m teaching,” she says. “It’s an excellent learning experience, because it’s a constant reminder that it’s harder than one would think.

“Being a good self-advocate, for example, is challenging — and especially challenging when you’re formulating new relationships or in a new environment.”

She comes to the nation’s capital from St. Louis, where she was the Walter D. Coles Professor of Law and Professor of Management at Washington University.

“I’m very excited and grateful for the opportunity to come to an institution like Georgetown,” she says. “I have two amazing co-authors here, Bob Thompson and Don Langevoort — it’s a talented and growing faculty in the business area.”

Following up on the immense popularity of her Fall 2017 Women and Leadership seminar at Georgetown Law, Sale will teach two sections in Spring 2019. A key feature of the seminar is the series of guest speakers, who reinforce the lessons she teaches through business school case studies with their own real-world experience.

Speakers so far have included former Acting Attorney General Sally Yates; Sumara Thompson-King (L’84), general counsel



for NASA; U.S. District Court Judge Virginia M. Hernandez Covington (L’80); and Juliette Pryor (L’91, M.S.’91), senior vice president and general counsel of Cox Enterprises.

Pryor’s class included a Harvard Business School case study on Carla Harris, vice chair of Morgan Stanley. “I was tasked with connecting the idea of authentic leadership with the experiences of a woman of color navigating traditional corporate settings,” Pryor says. The focus of Yates’s class was the reflected best self exercise, which comes out of the Ross School of Business at Michigan, Sale says.

“The basic premise is that we work best on our challenges when we work from our strengths,” Sale says.

Sale holds a variety of leadership positions, including the FINRA Board of Governors. She helped to spearhead the non-profit DirectWomen organization, which works to increase the representation of women lawyers on corporate boards, and chairs its signature Board Institute.

Pryor, a member of this year’s Institute class, has found the nine-month program extremely rewarding. “This experience isn’t about reinventing yourself, it’s about aggregating the skills and experiences you’ve built over the years, and articulating them as transferable skills that add value in the boardroom,” Pryor says.

Looking back, Pryor wishes she had been exposed to Sale’s lessons in leadership while she was a law student. “Twenty-seven years later, my eldest child Adjua is going to be a first-year at Georgetown,” she says. “I’m really excited that Professor Sale will be part of the legal community.”

Photo Credit: Courtesy of Hillary Sale

PROFESSOR ANUPAM CHANDER: TECH TITAN

With varied research pursuits in the constantly transforming world of technology, Professor Anupam Chander thrives on conquering the unfamiliar.

“I’ll throw myself at a new project without knowing the landscape at all,” Chander says. “As a generalist lawyer, I feel like I can handle any domain.”

Early on in life, that domain was the computer language BASIC. While growing up in Oxford, Ohio, he’d bike over to the local university with his brother and camp out in the tech lab, teaching himself programming.

“Because there were no computer games in existence, you would just write your own,” he says.

Today he’s writing books and articles on technology governance around the world, global commerce in the digital age, and data privacy and security. He’s taught cyberlaw and a range of international law topics, including international finance, trade and intellectual property.

Chander focuses on technology because today, economic development largely depends on it, he says. So Chander looks at how technology, especially the Internet, can encourage and disrupt an economy.

“There are more people who have mobile phones than access to electricity,” he says. “Focusing on technology, then, seems like a good way to understand how economics develop in the twenty-first century.”

Chander examined these ideas in his 2013 book, *The Electronic Silk Road: How the Web Binds the World in Commerce* (Yale University Press). He explores how the Internet has transformed and reconceptualized trade. The new ways we consume the news, develop social networks and have access to enormous amounts of information affect economic activity, he says. For instance, the Internet has introduced more price transparency — a farmer now doesn’t have to trust an intermediary to learn what the price is at the market. At the same time, it has disrupted markets — the buyer now has access to a range of other producers.

“The book argued that the Internet was creating an explosion of trade and services,” he says. “Your phone becomes an invisible entry point into global trade.”

One key realization for Chander upon writing the book is that how countries approached Internet regulation early on affected where and how Internet companies grew. The United States, he says, focused on the Internet’s ability to open up markets, open



up debate and open up new ideas. A lighter regulatory touch resulted in the largest Internet-based companies developing here. Other countries focused on the Internet’s potential dangers, such as increasing copyright infringement or allowing hateful speech and bullies to gain a platform.

“What I tried to say about the Internet is, where the United States approached the Internet with hope, the rest of the world approached it with fear,” he says. “You can take a normative stance on whether or not we did the right thing or the wrong thing, but I think my descriptive story is accurate.”

Chander also made an original discovery in the world of finance, coining a term that’s been widely adopted in the field. Before embarking on an academic career, he worked at Cleary, Gottlieb, Steen, & Hamilton in New York City, focusing on sovereign debt. He noticed a trend of using instruments targeting citizens living overseas as part of their efforts to raise capital in the international markets.

“I called this class of instrument a diaspora bond, and that name has stuck,” he says.

Chander and his wife, Madhavi Sunder — also a Georgetown Law professor — arrive from the West Coast, where they both taught at the University of California, Davis. He’s excited to join a large law school, “where you have more students to impact,” he says.

“The opportunities that students have here is unparalleled,” he says, “and I’m also just in awe of my colleagues at Georgetown, who are leaders in so many domains.”

PROFESSOR MADHAVI SUNDER

It was the most-cited international intellectual property article in a decade and the twentieth-most cited IP article overall during the same span. Professor Madhavi Sunder's "IP3," which appeared in the *Stanford Law Review* in 2006, encapsulated an approach to IP law that at the time got labeled "dangerous" at a conference she attended celebrating luminary IP scholars.

Her thinking is this: IP law shouldn't simply be about promoting innovation, efficiency and incentivizing the creation of products, brands and artistic work. IP so pervades culture and human well-being that a wider perspective than the dominant economic model is needed, Sunder says.

"I argue that we need to lift our gaze from those narrow goals," she says. "Those are important goals, but they're narrower than the set of impacts that intellectual property has. Intellectual property affects everything from our ability to access essential medicines to the affordability of educational textbooks, and even our right to criticize the dominant cultural stories of our time. In short, intellectual property implicates giant-sized values, from autonomy to equality."

These concepts are expanded in her 2012 book, *From Goods to a Good Life: Intellectual Property and Global Justice* (Yale University Press) and permeate her work. Sunder has developed a theory of participatory culture where more and diverse people are engaged in generating what's valuable and valued. Sunder places specific emphasis on equity, arguing there's a growing, global demand for recognition and legal protection of contributions from diverse and marginalized innovators, including women, indigenous communities and the poor.

"A lot of my work emphasizes the importance of democratizing participation in culture," she says. "Who gets to make the culture? Who is recognized for that creativity? Is their work freely appropriated, or is it recognized as the intellectual property of individual creators that can be respected and shared on fair terms?"

Sunder brings her equity lens to more recent developments in IP law, such as design protection — "The Law of Look and Feel" as she describes it in an article with that title she co-authored in 2017.

Sunder also has a forthcoming article in the *Michigan Law Review* exploring the implications of taking legally protected "imaginary worlds" into the real world. Think real-life Harry Potter Quidditch leagues or Star Wars-themed weddings.

"It's the ability to become a character in your favorite story that perhaps has the greatest economic value," she says. An IP



holder's power to limit or shut such experiences down "fundamentally impedes on the ability for humans to imagine, play, discover and develop their own creativity," she argues.

Sunder's passion for fairness and meaning extends beyond the academy. While living in Davis, California, she and her husband, Anupam Chander — also now a Georgetown Law professor — led a campaign in 2005 to have a new elementary school named after Fred Korematsu, the Japanese American who courageously waged a legal challenge to mass internment during World War II.

The effort by Chander and Sunder led to a related project: a comic book. "Fred Korematsu: All-American Hero," tells the story of a Muslim elementary school girl shunned after 9/11 who discovers Korematsu's saga and what it means to be an American.

"It was important to tell his story so that people understand one of the most tragic moments in our history," Sunder says. "I recognized that there was very little literature to talk to kids about race in America."

Sunder had an inkling early on that a life in the law was for her. She pursued law after realizing many of the feminist writers and thinkers she admired were legal scholars. She was determined to join the legal world and make her own contributions.

"I didn't want to practice the law as it is," she says. "I wanted to think about the law as it could be, and what my perspective as a minority woman, and as a South Asian-American woman could bring to our understanding of law, culture, society and the economy."

Photo Credit: Brent Futrell

PROFESSOR KEVIN ARLYCK: LIVING HISTORY

When Professor Kevin Arlyck was clerking for Justice Sonia Sotomayor on the Supreme Court in 2010-2011, he obviously worked very long hours — evenings and weekends were the norm. And if her clerks were in chambers on a Saturday, he recalls, Justice Sotomayor would often make mornings a bit better by bringing in bagels for the group. Unfortunately, notes Arlyck — who earned his J.D. and a Ph.D. in history at New York University — they were D.C. bagels, not New York bagels.

“It was really one of those situations where it was the thought that counted,” Arlyck jokes. “We knew that she knew that they weren’t really good bagels — she’s a lifelong New Yorker. But she did what she could. It was little gestures like that that showed us that, yes, we were working really hard, and not only was she there with us, but she absolutely appreciated it.”

Arlyck may have to get used to substandard bagels again, as he moves from New York — where he was in private practice — back to D.C. to join the Georgetown Law faculty full time. He’ll teach civil procedure and federal courts, and likely a seminar in legal history. “Based on my background, being able to teach foundational courses on procedure and the courts as well as more specialized classes in legal history is a dream come true,” he says.

Arlyck originally intended to become “just” a historian, but realized when earning his M.A. in historical studies at The New School for Social Research in New York that he was interested in law as well. He completed his J.D. in 2008 and his Ph.D. in 2014 — after his Supreme Court clerkship and while doing a fellowship at Columbia Law School. His dissertation, *Forged by War: The Federal Courts and Foreign Affairs in the Age of Revolution*, explores the federal courts’ role in early U.S. foreign affairs, and he is presently working on a book on the same subject. He’s also working on a second project about federal law enforcement between the ratification of the Constitution and the Civil War.

While history might repeat itself occasionally, Arlyck is careful not to overamplify analogies. “It’s always possible to find historical analogues to present-day events,” he notes. “I think one of the tensions for a historian lies in properly straddling the line between pointing out historical analogies that might help us think both about the past and the present in new ways, but also paying attention to the way in which past events really were meaningfully different from the present.”

The historian who originally never saw himself practicing law found that he enjoyed it. After law school, he landed a federal



clerkship with Sotomayor, then on the Second Circuit. He was all set to start when he received a call from the judge, letting him know that she’d been nominated to the Supreme Court. Arlyck ended up clerking for Judge Robert Katzmann on the Second Circuit initially and then for Sotomayor — on the highest court in the land. “I’d be interested in helping Georgetown students because I had wonderful clerkship experiences,” he says. “I’d love for my students to have similar opportunities when they leave law school.” (Incidentally, both Professor Eloise Pasachoff and Tiffany Wright (L’13) also clerked for Sotomayor on the Supreme Court.)

Besides the prestigious clerkships, Arlyck’s resume includes roles as a French teacher for Teach for America, a Social Studies and English teacher for the New York City Department of Education and academic fellowships at Columbia and NYU law schools. Before coming to Georgetown Law, he practiced in the Supreme Court and Appellate group at Orrick, Herrington & Sutcliffe in New York. “One of the reasons I’m really excited to be coming to Georgetown is to be able to get back in the classroom,” he says. “Obviously, teaching at a law school will be a different experience than teaching at an elementary or middle school, or teaching undergrads. But I’ve always loved teaching.”

A former competitive runner, Arlyck now jogs just enough to keep body and spirit in working order, but he’s looking forward to exploring the many running routes around Capitol Hill (where he’ll be living) and reacquainting himself with the city more generally. “It’s a dynamic place, and Georgetown is a dynamic institution, so we’re very excited to be here.”

Photo Credit: Brent Futrell



/ ALUMNI

DEVELOPMENT

Georgetown Law raised \$30 million during the 2017–2018 academic year — the best fundraising year in the Law Center’s history. This year looks even more promising, beginning with a generous gift from Bruce (L’80) and Ann Blume.

Development News

Bruce (L'80) and Ann Blume Establish Blume Public Leadership Institute with \$10 Million Gift

Bruce (L'80) and Ann Blume (Parents '08, '20) have given \$10 million to establish the Blume Public Leadership Institute at Georgetown Law. At the time it was made, the gift represented the largest one-time commitment in the history of the school.

Through the Blume Institute, students exhibiting exceptional promise as future public leaders will receive full-tuition scholarships as Blume Scholars. They will engage in traditional and experiential legal studies, while training for lives of service as public officials, policy makers, thought leaders, entrepreneurs and visionaries.

A 1980 graduate, Bruce Blume serves on Georgetown Law's Board of Visitors and the Georgetown University Board of Directors.

"Ann and I are so honored to be part of the Georgetown Law community. It is such an important global institution, and it is very exciting to be connected to it," said Bruce. "For Ann and me, the concept of providing scholarships in perpetuity to the top students in the country in public leadership speaks to what we both believe in, our mission in life and to Georgetown's ethos of service to others. With its location in Washington, D.C., there is no reason why this institute will not become the world's preeminent public leadership law program."

Dean William M. Treanor called the Blumes' "extraordinary vision and transformational generosity" inspiring. "By enabling Georgetown to attract and educate the next generation of public interest leaders, the Blume Institute aligns perfectly with our Jesuit tradition of service."

"In years to come, I fully expect to see Blume Scholars emerge as leaders in all branches of federal and state government, as well as at major nonprofits, NGOs, and in the business sector," Treanor continued.

Bruce is the founder and chairman of Blume Company Real Estate, a development firm that has helped transform Seattle's skyline. Previously he worked as an attorney, a clerk for U.S. District Court Chief Judge Walter T. McGovern and as a legislative aide to U.S. Sen. Warren G. Magnuson. He serves on the boards of the Seattle Art Museum

"For Ann and me, the concept of providing scholarships in perpetuity to the top students in the country in public leadership speaks to what we both believe in, our mission in life and to Georgetown's ethos of service to others. With its location in Washington, D.C., there is no reason why this institute will not become the world's preeminent public leadership law program."

Photo Credit: Bill Petros

and the University of Washington Foundation.

Ann Blume is a community leader in Seattle. A graduate of Cornell University, she is a former staff assistant to U.S. Sen. Bob Packwood of Oregon and U.S. Sen. Slade Gorton of Washington. She serves on Seattle University's Board of Trustees and College of Arts and Sciences Leadership Council, as well as the Cornell University College of Human Ecology Advisory Council.

Together, the Blumes founded the Bruce and Ann Blume Fund, supporting public health, educational, and environmental endeavors. The parents of five children, they share a passion for family, public policy, and philanthropy.

The Blume gift follows the most successful fundraising year in Georgetown Law's history — an unprecedented \$30 million.

"Because of the generous support from our community of alumni, parents, students and friends, Georgetown Law has reached a new level of philanthropy, one that is of profound importance for our students and our academic mission," Treanor said.

The Law Center continues to focus on ensuring that a Georgetown Law education is affordable for students regardless of means.

"In the past three years, we have raised close to \$14.9 million for our Opportunity Scholarship program," the dean said in September 2018, noting that the program provides support for high-merit, high-need students. "Our alumni are obviously committed to the program, and I have been impressed with their outpouring of support for financial aid."

The critical work of our faculty and institutes continues to be recognized through philanthropic support; \$7.8 million was raised in 2017-2018, compared to \$6.2 million the previous year. This past year was also the best in our history for the Law Center Annual Fund, which raised in excess of \$8.8 million.

"It was a remarkable year for Georgetown Law, and we can all celebrate this success," Treanor said.

INTERNATIONAL LAW

Douglas M. Bregman (L'74): Making a Difference



Douglas M. Bregman (L'74) entered Georgetown Law in 1971, right before the formal dedication of McDonough Hall. He skipped Chief Justice Warren Burger's keynote address, opting for the "counter-dedication" on the front steps featuring radical lawyer William Kunstler.

Burger's legal philosophy — rejecting the use of the courts as instruments of social reform — was at odds with that of a number of law student activists who wanted to make their voices heard. Thus, there were two dedication ceremonies of McDonough Hall.

"It wasn't even a choice," says Bregman, who had spent his teen and college years as a social activist, going to "all the demonstrations in Washington. ... I was trying to help the country move in the right direction."

So the news of May 16, 2017, hit close to home for Bregman, now a Georgetown Law adjunct professor and a partner at Bregman, Berbert, Schwartz & Gilday in Bethesda.

Black-suited, combat-booted security guards and other supporters of visiting Turkish President Recep Erdogan had kicked and beaten a small group of demonstrators in Sheridan Circle, across

"Lusik Usayan et al. v. The Republic of Turkey," Bregman says. "It sends a chill down my spine to say it. To think that with a law degree, you can take on an entire government."

the street from the Turkish Residence on Embassy Row, sending nine of them to the hospital.

"I had to do something," Bregman says. "I didn't quite know what to do, but I knew I had to help those folks."

A business and real estate attorney with "negligible" international experience, he called another lawyer in his firm, Andreas Akaras, who has a strong background in Greek and Turkish affairs. Next, he enlisted the help of Steve Perles, a colleague who has used the Foreign Sovereign Immunities Act to sue Iran, Syria, Sudan and Libya.

They filed suit in U.S. District Court on May 15, 2018.

"*Lusik Usayan et al. v. The Republic of Turkey*," Bregman says. "It sends a chill down my spine to say it. To think that with a law degree, you can take on an entire government."

At Georgetown, he was fascinated by Professor Sam Dash's behind-the-scenes Watergate stories and inspired by Professor Sherman Cohn's focus on using civil procedure "as a process for good." Professor Richard Gordon fed his appetite for philosophy. He found a "kindred soul" in classmate Joe Basta (L'74), now a mediator in Ann Arbor.

Photos Credits: Getty; Courtesy of Douglas M. Bregman

After law school, he clerked for Judge J. Dudley Digges of the Court of Appeals of Maryland, who “always looked out for the little guy.”

Bregman has nurtured that attitude alongside his real estate and business practice. His “proudest moment,” he says, was when he helped Maryland Legal Aid successfully sue the state’s governor in 2005 to restore medical benefits to resident legal immigrant children and pregnant women.

“Proudest, so far,” he says. “This lawsuit could top it.”

His five clients are suing for assault, battery, negligent and intentional infliction of emotional distress and other counts. Under the FSIA, they must convince the court that the beatings were an act of terror that “transcends national boundaries.” Bregman says he is optimistic.

In the tradition of his favorite law professors, Bregman has discussed the lawsuit with the students in his Georgetown Law course, “Drafting and Negotiating Commercial Real Estate Documents.”

“War stories are very important for law students,” he says — especially stories that show transactional lawyers can be litigators and human-rights lawyers.

“You don’t have to get pigeonholed,” Bregman says. “That’s the greatness of a law degree. You can spread your wings.”

—Barbara Grzincic

SUPREME COURT

2018 Supreme Court Swearing-In Ceremony



The Supreme Court swearing-in ceremony is a much-anticipated annual event sponsored by Georgetown Law’s Office of Alumni Affairs for alumni who become members of the Supreme Court Bar. The following 35 alumni took part in this year’s ceremony on June 18:

Jared Albert (L’13)

Messeret Assefa (L’03)

Andrew Athy Jr. (L’73)

Yvette Badu-Nimako (C’10, L’13)

Mark Beariault (L’96)

Emily Benfer (L’13)

**Margarita “Marina”
Braginskaya (L’13)**

Keonna Carter (L’13)

Maria Di Miceli (L’12)

Renee Dopplick (L’08)

Ann Fisher (L’88)

Lois Fishman (L’93)

Heather Gatnarek (L’12)

Lisa Gerchick (L’82)

Keara Gordon (L’93)

Frederick Hall (L’13)

Tianyun “Joyce” Ji (L’13)

Alan Kasper (L’68)

Jessica Koepf (L’13)

Susan Kopf (L’08)

Joshua Landau (L’11)

Evan Lazerowitz (L’13)

Stephen McCloskey Jr. (L’13)

Andrew McLean (L’08)

Rikin Mehta (L’11)

Stefan Monaghan (L’13)

Christopher Morgan-Riess (L’13)

Mercedes Morno (L’13)

Galina “Allie” Petrova (L’10, LL.M.’11)

**Joshua Rubin (C’00, L’04, MSB ’07,
MSPP ’07)**

David Schnitzer (L’13)

David Shain (L’78)

Robert Silverblatt (L’13)

Melissa Stewart (L’13)

Ann-Kathryn Tria (L’08)

Photo Credit: Bill Petros

AWARDS

On Barristers' Council, the Question Is Definitely Not Moot



Lawyers, they say, are a competitive bunch. So it makes sense that for many law students, the pressure of classes alone isn't enough — they want to compete. Luckily for them, Georgetown Law's Barristers' Council offers plenty of opportunities to do just that.

Greyson Wallis (L'18), Katy Ho (L'18), Elaine Cheng (L'18), and Rachael Connelly (L'18) at the ELSA Maynooth International Negotiation Competition in Kildare, Ireland. Photo courtesy European Law Students Association Maynooth.

This year's participants were successful in every category and gained valuable real-world experience that will serve them well as they graduate and move on to jobs at law firms, with the federal government and in the courtroom.

The categories for competition were appellate advocacy (moot court), in which teams research and write a brief and argue a case before a panel of judges; trial advocacy (mock trial), in which teams argue a case by presenting evidence and questioning witnesses; and alternative dispute resolution (ADR), in which teams engage in negotiation, mediation, arbitration and client counseling.

Among the nearly 100 competitions Georgetown teams participated in this

past academic year were the ELSA Maynooth International Negotiation Competition (ADR), the D.C. Cup (moot court), and the Tournament of Champions, the premier trial advocacy competition in the field.

To compete, students usually try out during the spring semester of their 1L year. This past academic year, about 450 students tried out and roughly 75 were accepted. The competition is fierce, and the benefits are great.

"For me, it's the closest thing that comes to real world applicable skills," said incoming executive director Margo Rusconi (L'19), who participates in trial advocacy. "You have to think critically, be persuasive, be responsive, think on your feet. No matter what area of law you're

practicing, or if you're not, they're practical and applicable skills."

Georgetown teams participated in 10 mock trial events this past year, including the prestigious Tournament of Champions, an invitation-only competition for the best teams from around the country, hosted by Loyola Law School, Los Angeles, in November. A team from Georgetown came in second, making it through three preliminary rounds to the final.

Outgoing executive director James Ferguson (L'18) was on that team. The case they argued was based on a real one of a small town sheriff's department being investigated for abuse of inmates. Ferguson called trial advocacy "the Law and Order stuff."

Ferguson, who plans to become a litigator at Paul Hastings in New York, began competing when he was a 1L and has found the experience to be invaluable.

"From a competitive standpoint, it's a lot of focus on the practical side of law, [using skills] not found in a textbook," said Ferguson, citing public speaking and convincing a jury of the merits of a case. "It's skills you don't really get to learn in a classroom, and they really pay off when working with attorneys in real life."

His teammate Jordan Dickson (L'18), who helped to coach 1Ls and 2Ls, plans to return to volunteer as an alum. "It's a lot of work, but it's also a lot of fun," he said. Dickson will be working at the Department of Justice as a federal prosecutor.

In March, two Georgetown teams squared off against each other in the finals at the ELSA Maynooth International Negotiation Competition in Kildare, Ireland. They were the only Americans to participate of nearly a dozen teams.

Elaine Cheng (L'18) and Rachael Connelly (L'18) were on the team that ultimately prevailed. Not only did they get to spend a few days exploring Ireland, including dining in traditional pubs,

“It’s high pressure, high intensity, what’s great is, it’s free form. You’re actively working with another team. Whereas in moot court you’re writing briefs and forming oral arguments, this is less unilateral and more collaborative.”
 —*Elaine Cheng (L'18)*

taking a whiskey tour, and bussing out to the famous Cliffs of Moher, they learned a lot about negotiation in two rounds of competition, plus the final.

Connelly said that American teams have a reputation for being "a little more aggressive in our negotiations" than the European teams, which made her pay stricter attention to their negotiating style. But their preparation served them well. "Georgetown does a great job teaching a cooperative rather than adversarial style."

"It's high pressure, high intensity," said Cheng. "What's great is, it's free form. You're actively working with another team. Whereas in moot court you're writing briefs and forming oral arguments, this is less unilateral and more collaborative."

Greyson Wallis (L'18) was on the opposing team in the championship round. "The final round took on a diplomatic feel," she said, adding that the approach ended up costing them. Her team was representing a government that was persecuting a group represented by Cheng and Connelly's team.

In the end, she said, "the judges said we should have handled it the same as if it had been a purely commercial negotiation."

Cheng will be moving to New York to work for a venture capital firm. Connelly — who credited some of her success in negotiation to her experience in improv comedy — heads to a firm in Los Angeles,

and Wallis will be staying in Washington, D.C. to work for the Department of Justice.

"I don't know how often I'll have an opportunity to use negotiation skills," Wallis said, "but I hope I do, because I've really enjoyed my time with ADR."

Joyce Dela Peña (L'18) was on the team that won the D.C. Cup moot court tournament in March. Teams from six law schools are invited each year to participate in the two-day event.

"For me, winning a competition, and getting best brief, was a fantastic way to close out my moot court career at Georgetown," said Dela Peña, whose case concerned a marijuana sale in D.C. under Proposition 71, which decriminalized marijuana possession and purchases, but not sales.

"We faced some really solid teams from across the District," said Joseph (Zach) Noble (L'19), another member of the winning team. "Our brief helped carry us through, I'm sure, because other teams' oral advocacy skills were very strong."

All of the teams had great support from the administration, including Dean of Students Mitch Bailin and Maura DeMouy, director of Academic Success.

"It's remarkable what our students accomplish, nationally and internationally," said Bailin, noting that the Barristers' Council is entirely student run, unlike at many other law schools, where it's often funded and run by the administration and taught as a for-credit class. "They do this because they love it."

DeMouy agreed. "It just speaks to what a stand out group of students they are," she said. "It's a fantastic experience. It adds a whole other dimension to their legal education experience."

— Julie Bourbon

Alumni Profile: Stephanie Herseth Sandlin (C'93, L'97, MA '98)



To Stephanie Herseth Sandlin (C'93, L'97, MA '98), there's nothing you can't do with a degree from Georgetown Law.

"A law degree is so versatile, and a law degree from Georgetown — Georgetown is a gem. The academic rigor, the setting, the people ... it opens doors like no other."

Twenty years after getting her J.D. and six years after leaving Congress, Herseth Sandlin walked through a new door last August when she became president of Augustana University in Sioux Falls, South Dakota.

On paper, the move to academia might look like a tangent. In practice, she says, it "brought me full-circle, back to my original career goals."

"I love teaching and even in law school, I thought I would go into higher education," she says. "It just happened that my life experiences make me a better fit for administration."

Those experiences include being the youngest representative and first woman elected to Congress from South Dakota, then serving as the first general counsel of Raven Industries, a publicly traded agribusiness in Sioux Falls. She is also the first female president of Augustana, a Lutheran-affiliated university with 2,000 students.

Although Herseth Sandlin grew up in a political family — her grandfather was governor of South Dakota, her grandmother was secretary of state and her father was a state legislator — she gives Georgetown a good deal of credit for the skills, courage and connections she's relied on throughout her career.

Her long list of mentors and "sounding-boards" includes Professors Diana Donahoe, Dan Ernst, Emma Jordan and Carrie Menkel-Meadow; several classmates, including Jeff Miller (L'97) and Jay Gonzalez (L'96); and alumna Laurie Fulton (L'89), an old friend and Williams & Connolly partner with whom she reconnected through Georgetown.

"I remember Laurie telling me, 'I want to see your name on a ballot, sooner rather than later,'" Herseth Sandlin says. Fulton spoke from experience: she had been married to then-U.S. Representative Tom Daschle, and "she told me, 'Tom was young when he first ran, and the only difference between him and you is that you're a woman.'"

Herseth Sandlin ran for Congress in 2002 and lost, but was elected in 2004, became co-chair of the conservative Blue Dog Democrats and stayed until 2011. After a year in a small D.C. law firm, she accepted the post at Raven in 2012 and returned to South Dakota with her husband, former U.S. Rep. Max Sandlin, and their toddler son in tow.

Her first intern at Raven was from Augustana, and remembered her passion for higher education. He nominated her for the presidential post in 2016.

"Like many women, after the [U.S. presidential] election I felt called to public service, or in my case, to get back into public service," Herseth Sandlin says. "The more I thought about it — the more I prayed about it — the more I saw the opportunity at Augustana as a different, more nurturing platform for fulfilling that calling."

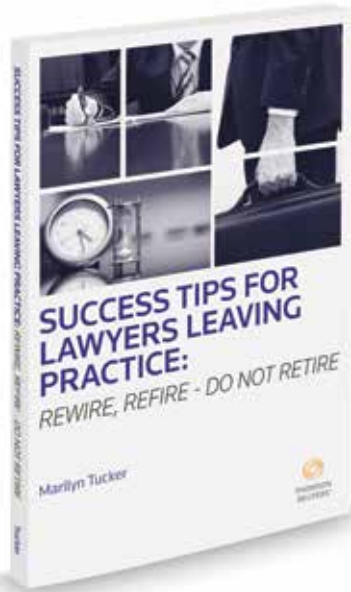
Now, she is "joyfully" convinced that she threw her hat into the right ring.

"I'm serving Augustana and South Dakota, I'm serving young women and young people in general. I can help foster an atmosphere of respect, civility, critical thinking; an appreciation for diversity, and a willingness to protect the freedoms that, too often, we take for granted," Herseth Sandlin says. "I don't hold elective office, but I'm definitely in public service."

— Barbara Grzincic

LEGAL PROFESSION

Success Tips for Lawyers Leaving Practice: Rewire, Refire — Do Not Retire



Marilyn Tucker, director of Alumni Career Services at Georgetown Law, has penned *Success Tips for Lawyers Leaving Practice: Rewire, Refire — Do Not Retire* (Thomson Reuters, 2018, available on www.amazon.com). “Retirement is a complex experience characterized by gains and losses as well as major shifts in identity and routines,” press materials state. “While for many the word retirement connotes retreating, it can be a time to shift gears and to leave behind some activities while simultaneously moving toward new adventures, new paths, and a new identity. Marilyn Tucker is the go-to expert on retirement preparation and planning for the legal profession — as director of Alumni Career Services at Georgetown University Law Center, she counsels law alumni whose experience spans the gamut — from those who have practiced law for a few years to those with 40+ years of experience. This new publication:

- highlights several retired or soon-to-be retired attorneys who share the processes they went through to prepare for retirement
- includes exercises to help evaluate an attorney’s readiness for retirement
- provides a list of resources and career coaches to help attorneys achieve success in their new stage of life.

Abbie Willard, associate dean for Career Services and Policy Initiatives at the University of Chicago Law School, writes, “Marilyn Tucker, the national maven of experienced attorney career exploration, has confronted a difficult and emotion-laden topic with thoughtfulness and insight. She provides a general roadmap to attorneys considering ‘what after practice?’ and combines it with personal stories and examples that breathe life into the suggestions made by Marilyn and those with whom she spoke. In doing so, she has inspired us all to think about the choices ahead and to consider how to make the best decisions as we move forward on this personal journey.”

CENTERS AND INSTITUTES

D.C. Alumni Luncheon

Senior Litigator Mary B. McCord (L’90) of Georgetown Law’s Institute for Constitutional Advocacy and Protection (ICAP), Joshua A. Geltzer, executive director of ICAP, and Senior Litigator Douglas N. Letter spoke about the work of the institute in its first year at Georgetown Law’s Washington, D.C., Alumni Luncheon in June.

AWARDS

Law Center Well Represented at John Carroll Awards



Georgetown University’s John Carroll Weekend culminates with a black-tie banquet celebrating the John Carroll and Patrick Healy Award recipients. These awards are conferred upon members of the Georgetown community who exemplify generosity, service, and leadership.

This year’s banquet took place in Seattle in April. Georgetown University President John J. DeGioia (center) honored Georgetown Law alumni (left) Kevin Clark (C’76, L’79), Bruce Blume (L’80) and Ann Beth Stebbins (C’86, L’94), along with (right) Fran Buckley (NHS’78), Ricardo Ernst (Patrick Healy Award winner), Adelaida Delgado Palm (B’80) and Steve Buffone (F’80).

VOICES

Keonna Carter (LL.M.'13): A Life in Alignment

Keonna Carter's (LL.M.'13) journey to the law began as a sixth grader, when she was invited to the Supreme Court after winning an essay contest and met Cissy Marshall, widow of the late Justice Thurgood Marshall (shown here in 2017).

If there were an award given for serendipity, Keonna Carter (LL.M.'13) would certainly win. All of the big events in her life have tied back to a Washington, D.C., citywide essay contest — “a special city needs special people” — that she won as a sixth grader in 1993. The prize: an invite to a reception in the chambers of U.S. Supreme Court Justice Thurgood Marshall.

There were perhaps a dozen winners, with two from her school, Strong John Thomson Elementary. But sadly, Marshall died just weeks before the event. Carter's entire sixth-grade class would write condolence letters to Marshall's widow, Cissy.

“My teacher spent a week teaching us about the civil rights movement,” said Carter. “We took turns reading aloud the *Brown v. Board of Education* decision.”

The reception went on anyway, hosted by Justice David Souter. Mrs. Marshall attended and read to them from one of the many letters she'd received after her husband's death.

“I realized it was my letter, so I introduced myself to her afterward,” Carter said, recalling the shock. “She said, ‘My husband fought very hard just so one day a little girl like you could wear a robe like his.’”

“It was so touching to be in that room, seeing all nine justices, knowing the first time I'd been there was in the sixth grade. Everything aligned!”

“Of course, if Mrs. Marshall said it...” said Carter with a laugh. Inspired, she would go on to attend the University of Virginia and Northwestern law school before receiving an LL.M. in tax at Georgetown Law.

“People in my neighborhood didn't grow up to be lawyers,” she said, still incredulous about her journey to law school as the child of a single mother living in low-income housing. “They grow up to be defended.”

She worked for Mayer Brown as a litigation associate and McGuire Woods as a private wealth associate. Carter then did a short stint as staff attorney in the D.C. Court of Appeals.

When a position at Howard University came open, Carter had to apply (she's now the associate general counsel for University Business Affairs). “I was so thrilled on my first day of work,” Carter said, because Marshall attended law school there. “I was walking upright, like I was walking in his footsteps.”

A few months later, she ran into Mrs. Marshall, who invited her to the annual essay contest reception and extracted one more promise: that Carter would get sworn in to the Supreme Court Bar. Once again, Carter said, “You don't tell Mrs. Marshall no.”

There was just one thing: she needed two sponsors. Georgetown would provide one, but the other had to be a member.

Which led to one more instance of serendipity. After sharing her story with an attorney in private practice, the attorney put her in touch with one of his colleagues, who just happened to be the last man Justice Marshall swore in to the Supreme Court Bar: Thurgood Marshall Jr. Carter was sworn into the Supreme Court Bar on June 18, with Thurgood Marshall Jr. as her sponsor (34 other Georgetown Law alumni were also sworn in that day).

“For all of those things to happen over 25 years...” said Carter, who regretted only that Mrs. Marshall was unable to attend the 2018 ceremony. “It was so touching to be in that room, seeing all nine justices, knowing the first time I'd been there was in the sixth grade. Everything aligned!”

— Julie Bourbon

AWARDS

Sen. Richard Durbin (F'66, L'69) Honored with Georgetown University's Timothy S. Healy, S.J., Award



When now-Senator Richard Durbin (F'66, L'69)(D-Ill.) was a student at Georgetown University's School of Foreign Service in the 1960s, he asked someone on campus what he should do after graduation. The answer? "You can do almost anything — but don't go to law school." Fortunately, Durbin disregarded that advice, and applied to Georgetown Law.

"It turned out to be an amazing combination — the education of the School of Foreign Service, and [Georgetown Law], prepared me for what I do today," Durbin said, as he accepted Georgetown University's prestigious Timothy S. Healy Award — given to just five other alumni who have rendered extraordinary and exemplary service in the support of humanitarian causes: Sadako Ogata (M.A.'53, H'13), President Bill Clinton (F'68, H'80), Ambassador Mark R. Dybul (C'85, M'92, H'08), Dr. Dikembe Mutombo (I'91, H'10) and Senator George J. Mitchell, Jr. (L'61, H'89).

With 14 years experience in the House of Representatives and 21 years of experience in the Senate, Durbin is a champion of the "Dreamers." These include Tereza Lee, a piano prodigy

who sought entry to prestigious music schools. Lee, whose Korean family came to Chicago from Brazil when she was 2, was undocumented and knew no other home than the United States.

The law [was] very clear but very cruel," said Durbin, noting that Lee would have had to leave the U.S. for 10 years and then apply to return. "I thought to myself, that's unfair...she's done everything right... We introduced the Dream Act (a path to legalization and citizenship)."

Dreamers also include Cristina Velasquez (F'17), a School of Foreign Service graduate whose future remains uncertain in light of the Trump Administration's decision to end the Deferred Action for Childhood Arrivals Program.

"As Hoyas, we embrace the idea of being men and women for others, a choice we make out of our desire to leave the world a better place..." Velasquez said at the event. "This often means... taking a stand when others are silent, and having the courage to pave the path for those that follow. I stand here today to honor Senator Durbin, and frankly, I don't know if I would be here had it not been for his courage to fight relentlessly for Dreamers[.]"

Photo Credit: AP

WOMEN'S FORUM

2018 Women's Forum Expands Campuswide — With Law Center Alumnae at Center Stage



On a sunny day in May, Rosemary Kilkenny (L'87), vice president for Institutional Diversity and Equity, reminded the hundreds gathered for Georgetown University's Women's Forum that it was only in 1880 that the University, nearly a century old by then, first admitted women. Her reflections, during a panel on the past, present and future of gender equity at Georgetown, encapsulated the larger mood throughout the two-day forum and in the country as a whole: women have come so far, and striving harder than ever — outperforming their male peers academically, speaking up about past discrimination and harassment — yet so much more needs to be done.

Nearly five hundred women showed up at Washington D.C.'s InterContinental Hotel on May 2 and 3 for the Forum, an event that began at Georgetown Law in the 1990s and was expanded this year to include alumnae and panelists from across the university. The hotel buzzed with recent grads and current students networking, seeking career advice from illustrious alumnae, and swapping business cards.

Sally Yates, the former Acting Attorney General, captured the atmosphere well. Looking out at the accomplished women at the opening keynote — a discussion with her former Associate Deputy Attorney General Miriam Vogel (L'01) — she told attendees, “Feel the girl power in the room right now!”

SIMPLE STEPS

More than two dozen panels, workshops, and receptions touched on topics ranging from running for office to how #MeToo is impacting the sports world.

Speaking at a panel on “The Future is Female: Empowering Women and Girls as Change Agents and Influencers,” Terri Carmichael Jackson (C'89, L'92), director of operations at the Women's National Basketball Player Association, said empowering her staff and players can start with something as basic as making it clear that your door is open.

“You can be that safe place for somebody to come into your office, or to just say, ‘Hey, can we go grab a coffee?’” she said. “Because they may need to tell you something. They may need to share with you something that happened that was bad, that was negative.”

Jackson also echoed a suggestion by co-panelist Rachel Schall Thomas (C'93), president and co-founder of the Sheryl Sandberg & Dave Goldberg Family Foundation, to use introductions as a way to raise other women's profiles, since women are often reluctant to tout their own accomplishments.

Maheen Kaleem (F'07, L'13) is a program officer at the Initiative to End Violence Against Girls and Women at the NoVo

Foundation, a major funder of women's human rights work. Speaking at the same panel, she noted that working towards a world where the future is female starts with ensuring your organization is a place where women can thrive.

“It's looking inside your house,” she said, suggesting steps such as examining grievance policies, what kinds of trainings are offered, and what sorts of conversations take place around sexual- and gender-based harassment. “It's about looking at internal culture, your internal practices, and your home.”

HELPING OTHERS

For Kaleem, helping others starts with believing women and other survivors of sexual and gender-based violence. That may seem fashionable now in the #MeToo era, but as Kaleem noted, the #MeToo movement began over a decade ago with New York City-based activist Tarana Burke, a woman of color who has worked with survivors — women and girls of color, gender-nonconforming people — whose voices were not heard.

“We have to tell little girls that we believe them,” she said to applause. “I cannot tell you how many times someone comes up to me and says, ‘I was not believed.’ If we don't do that, all of that shame piles up.”

Nancy Hogshead-Makar (L'97), former Olympian and CEO of Champion Women, an advocacy organization for women and girls in sports, shared a frank, moving account of her own sexual assault, as a 19-year-old student at Duke University, at a panel on women in sports and #MeToo. Pulled into the woods by her assailant during an evening jog, she said, “I didn't get out for two-and-a-half hours. I was very lucky to be alive.” She would later go on to win three gold medals representing the United States at the Olympics, but that process, she said, started because people believed her.

“Everybody believed that it happened — nobody said, well how much did you drink?” she said. “And I owe that to a generation of feminists that came before me, because if I was in India, if I was in lots of other countries, I would have had to marry that guy.”

“People tend to look at me and say, ‘You won three gold medals two-and-a-half years after you were sexually assaulted — violently sexually assaulted,’” Hogshead-Makar continued. “No, I'm telling you, I did that because people were profoundly kind to me. And because they not only believed that it happened, but they also believed in the depth of my emotional harm, and made sure I got the right help... *That's* why I won three gold medals.”



MEN AS ALLIES AND PARTNERS

Male allies were both a theme and a conspicuous absence at the conference. Panelists and audience members noted how frequently conversations around women's empowerment take place solely amongst women, even as men still hold the vast majority of power and leadership positions.

Georgetown Law Professor Naomi Mezey, on a panel on feminism as a personal and professional identity, described how becoming a parent deepened her understanding of gender inequality when she saw how fathers get crowned with laurels for doing work (changing diapers, waking up in the middle of the night) that is simply expected of women.

"When it comes to parenting, men shouldn't just be allies to women," Mezey said. "Men need to be feminist in the sense that they need to own the domestic laborhood of parenthood."

Of course, not all men are allies, as Sally Yates and other panelists noted. Yates recalled one supervisor early in her days at the U.S. Attorney's office, in 1989, who didn't want to assign her to the criminal division because "he thought it would be too rough and tumble for me there." Yates was put in the white-collar division instead.

Hogshead-Makar described how a former U.S. Olympic Committee (USOC) CEO "systematically took power away" from other areas of the organization, something she had documented as leader of the Committee to Restore Integrity to the USOC, leaving athletes with few channels to report wrongdoing. She pressed hard for his resignation; he finally left the organization

earlier this year after revelations of the sexual abuse of dozens (later known to be hundreds) of gymnasts by the Michigan State University doctor Larry Nassar.

Under that kind of leadership, Hogshead-Makar (L'97) said, "A Larry Nassar was virtually inevitable. There were awful, awful stories that had been happening for a long time, and nobody was doing anything about it."

At media organizations, that kind of failed leadership can lead to mind-bending hypocrisy, noted political commentator and former prosecutor Greta Van Susteren (L'79, LL.M.'83, H'13). Look at the non-disclosure agreements used by media organizations where male personalities and executives have been accused of harassment, assault, and other misdeeds, she pointed out at a women in media panel.

"They're coming from media organizations who live and breathe on the whole idea of [transparency]," she said.

Maheen Kaleem had simple, strong advice for men on how to be allies in that respect: "Step aside," she said. "The only time things change in power balances is when people are willing to cede power a little bit."

GENDER EQUITY TASK FORCE

Georgetown Law Vice Dean Jane Aiken gave the audience some welcome news: In the last seven years, new hires on the Georgetown Law faculty have been 59 percent women, and 40 percent people of color, she said to loud applause. Four out of the last five editors of *Georgetown Law Journal* were women, as is the incoming editor.



However, “[in] 2018, the challenges that we have looking at gender equity are far more complicated,” she said. Intersectionality, a term originally coined by legal scholar Kimberlé Crenshaw to describe how the law can erase experiences of people subject to multiple forms of discrimination, is chief among the challenges, Aiken said.

Georgetown’s new Gender Equity Task Force is looking at ways to counter implicit bias in the hiring and promotion process to ensure women can advance into leadership roles. That means paying special attention to how childbearing and childrearing impact women’s career paths, and accounting for other behaviors that track with gender, such as how women and men approach citations in academic writing.

“Women tend not to cite themselves. Not so much for men. So if you’re counting citations,” Aiken said, women will lose out.

Former Georgetown Law Dean Judy Areen, the executive director of the Association of American Law Schools, added that women diverge from men in how they approach the law. Citing a survey of 22,000 undergraduates her organization conducted with Gallup, Areen said women gave “to give back, to help others” and “to advocate for social change” as two of the top three reasons for pursuing a career in law. The third, “passion for and interest in the work” they shared with their male peers. Male students’ other two reasons for applying for law school? They saw law as a “pathway to a career in politics, government, or public service,” and they knew “there are high-paying jobs in the field.”

In the last seven years, new hires on the Georgetown Law faculty have been 59 percent women, and 40 percent people of color. Four out of the last five editors of *Georgetown Law Journal* were women, as is the incoming editor.

LAW AS A TOOL FOR SOCIAL CHANGE

Denise Gitsham (L’07), who ran for Congress in 2016 to represent California’s 52nd district, said law school “was my way of becoming a better communicator,” a skill she took on the campaign trail and that she uses in her current role as the co-founder of a strategic communications firm.

Hogshead-Makar said her wide-ranging course load, which included anti-trust law, gave her the tools to advocate for college athletes and a deep understanding of how the National Collegiate Athletic Association works, something she used to advocate for college athletes.

Ebony Howard (L’07) was a social-justice-minded young woman who came to Georgetown Law. Now an assistant federal public defender in Alabama, Howard spent eight years at the Southern Poverty Law Center, trying to stop the “school-to-prison-pipeline” that funnels students of color into the criminal justice system, beginning with disproportionate disciplinary sentences for minor infractions, she said at the “Hoyas Working for Racial Justice” panel.

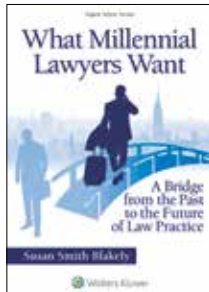
She praised Georgetown Law’s public-spirited mission — and Curriculum B (also known as “Section 3”), for providing multiple lenses through which to think and speak about the law.

Howard credited her experience in the Juvenile Justice Clinic as the single most important preparation she could have for her current career.

“It was like a boot camp of sorts — it was hell, it was absolute hell, but it was amazing,” Howard said, recalling how the experience and responsibility of having a caseload of kids taught her what she was capable of. “I learned there that I have within me the ability and power to stand up and advocate on behalf of people. That clinic brought it out of me.”

— Anna Louie Sussman

/ ALUMNI AUTHORS



/ Susan Smith Blakely (L'79)

What Millennial Lawyers Want: A Bridge from the Past to the Future of Law Practice

Susan Smith Blakely (L'79), author of the three-book Best Friends at the Bar series for women lawyers, has written a new book for all young lawyers: *What Millennial Lawyers Want: A Bridge from the Past to the Future of Law Practice* (Wolters Kluwer/Aspen Publishers, 2018). A retired law firm partner, Blakely notes that the book will also be of interest to law firm leaders seeking “to understand millennial lawyers and to make the necessary changes to law firm cultures to retain talent and lead them into the next quarter of the 21st century.” She makes a case that demonstrates a healthier path forward for a profession in transition — “a path enriched by recapture of the values and beliefs which successfully guided lawyers of the Greatest Generation.”



/ Susan Bolch (L'77)

The Cufflink

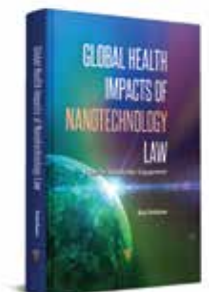
Susan Bolch (L'77) has written a novel, *The Cufflink* (Plusia Publishing, 2018), a multigenerational family saga. After overcoming early prejudice to achieve his Ivy League goals and marry into one of Philadelphia's wealthiest families, young lawyer Fred Green is drawn into a scandal by his unscrupulous but powerful father-in-law. The chance loss of a cufflink inextricably links Fred to arson. The cufflink, both literally and symbolically, will follow Fred to his grave.



/ Jacqueline Putnam Epstein (L'07)

LifeLong Frenemies: A Guide to Transitioning from Perfection to Civility and Staying Friendly with your Co-Parent

A family law attorney and child custody mediator in New Orleans, Jacqueline Putnam Epstein (L'07) has published a book on amicable co-parenting, *LifeLong Frenemies: A Guide to Transitioning from Perfection to Civility and Staying Friendly with your Co-Parent* (J. Kenkade Publishing, 2018). Epstein draws on her professional experience, as well as her personal experience as a single mother in an amicable co-parenting setting, to assist co-parents who are struggling to keep peace with one another. She gives advice for moving past the most difficult subjects related to co-parenting, including new partners, money issues and differing parenting styles.



/ Ilise L. Feitshans (L'85)

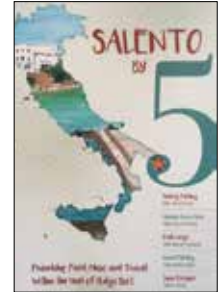
Global Health Impacts of Nanotechnology Law: A Tool for Stakeholder Engagement

Ilise L. Feitshans (L'85) has published *Global Health Impacts of Nanotechnology Law: A Tool for Stakeholder Engagement* (CRC Press, 2018), which examines how nanotechnology can reshape both commerce and public health, producing social benefits globally. Feitshans is a Fellow in the Law of Nanotechnology at the European Scientific Institute, Archamps, France, and executive director of the Work Health and Survival Project.

David Fielding (L'69) and Audrey Fielding

Salento By 5: Friendship, Food, Music and Travel Within the Heel of Italy's Boot

David Fielding (L'69) and his wife, Audrey Fielding, teamed up with three Italian friends to publish *Salento By 5: Friendship, Food, Music and Travel Within the Heel of Italy's Boot* (Gemelli Press, 2016), an illustrated guide to the region of Southern Italy known as the Salento. Frequent visitors to the area, the Fieldings became close to three Salento locals, all high school teachers, and the group decided to create a collaborative book project about the region's unique history, culture and people — including its distinctive pizzica music and traditional recipes. Fielding contributed 61 colorful drawings that depict the sea, the ancient towns, the olive trees, and more.



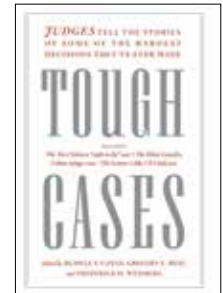
/ Gregory Mize (L'73)

Tough Cases

Gregory Mize (L'73) has published *Tough Cases* (The New Press, 2018) with co-editors Russell Canan and Frederick Weisberg, all currently serving as judges on the Superior Court of the District of Columbia. Mize is also a judicial fellow at the National Center for State Courts and an adjunct professor at the Law Center.

In *Tough Cases*, judges from around the country write about the cases that proved most difficult for them to decide. Some received international attention, including the Elián González Cuban refugee case and the Terri Schiavo “right to die” case. Others are less well-known but equally fascinating, such as a judge on a Native American court trying to balance U.S. law with tribal law, and a young Korean American former defense attorney struggling to adapt to her new responsibilities on the other side of the bench.

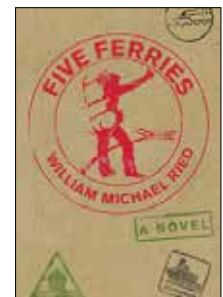
“*Tough Cases* is a powerful collection of inside information about some of the most interesting and high-profile cases of our times,” writes Georgetown Law Professor Paul Butler. “As riveting as a courtroom drama, it is essential reading for lawyers, law students, and all concerned about justice in America.”



William Ried (L'82)

Five Ferries

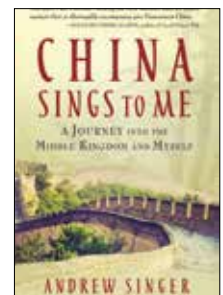
William Ried (L'82) has published his first novel, *Five Ferries* (CKBooks Publishing, 2018), which he calls “40 years in the making.” The novel focuses on the travels of Stephen Kylemore, who yearns to escape a country and a family torn apart by the Vietnam War. “Buoyed by his love of literature and a dream of living an odyssey of his own, he buys a one-way ticket for the journey he will come to call ‘Europe on No Dollars a Day,’” Ried writes. “His months of travel inevitably ... make him confront the tension and the passion he left behind.”

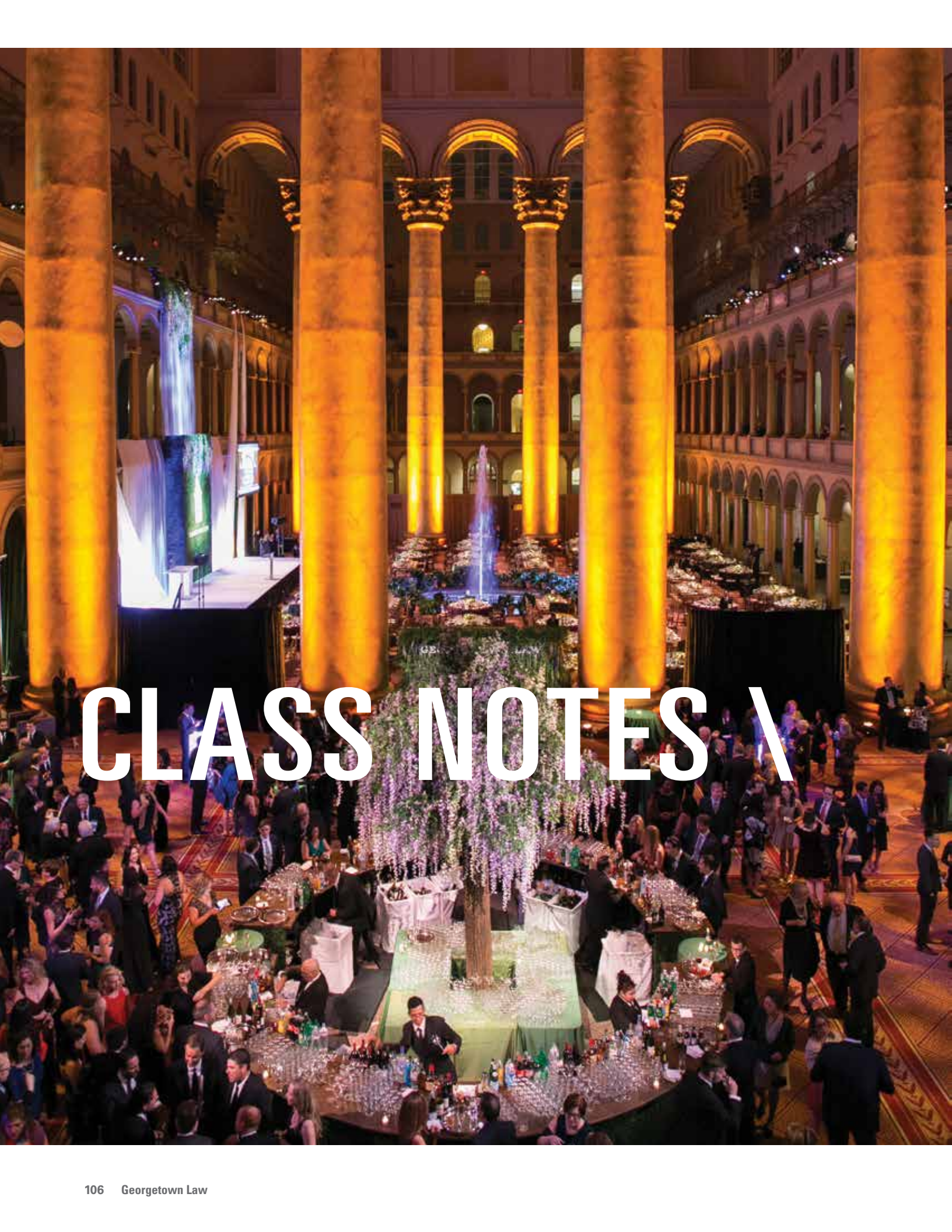


Andrew Singer (L'94)

China Sings To Me: A Journey into the Middle Kingdom and Myself

Andrew Singer (L'94) has written a coming-of-age memoir, *China Sings To Me: A Journey into the Middle Kingdom and Myself* (Station Square Media, 2018). “With equal doses of keen observation and introspection, Singer not only offers a compelling portrait of China’s growing pains, but also his own,” writes author Eric Jay Dolin. Singer first traveled to China in 1986, and worked as a Chinese translator with the Foreign Broadcast Information service prior to entering Georgetown, where he still recalls with interest a class he took on Chinese law with Professor Jim Feinerman.





CLASS NOTES \

1966

Stephen Kadish (LL.M.), a senior partner with Kadish, Hinkel & Weibel in Cleveland, has been named to the 2019 edition of *The Best Lawyers in America* in the fields of tax litigation and controversy and tax law. He has been selected as a *Best Lawyer* for 36 consecutive years since the inception of the program in 1983.

Managing Intellectual Property magazine has named **Marvin Petry** to its 2018 "IP Stars" list in the patent category. An attorney with Stites & Harbison in the firm's Alexandria, Va., office, Petry has also been named to the 2019 edition of *The Best Lawyers in America* in the categories of intellectual property litigation, patent litigation, patent law & trademark law.

1971

Weldon Latham has been included in the "2018 Most Influential Black Lawyers" list by *Savoy Magazine*. Latham is principal in the Washington, D.C., office of Jackson Lewis and chairs the firm's corporate diversity counseling group. He represents *Fortune* 500 companies, major government agencies and other complex organizations in a variety of legal matters including crisis management, corporate diversity counseling, internal investigations, employment law and government relations matters.

1976

Bill Kueling, an attorney with the firm of Thompson Coburn, has been named a St. Louis "Lawyer of the Year" in the 2019 edition of *The Best Lawyers in America* in the area of land use and zoning law.

1980

Tim C. Loftis has been named to the 2019 edition of *The Best Lawyers in America* in the

category of corporate law and also included in the 2018 *Upstate New York Super Lawyers* in the category of business/corporate. Loftis is an attorney with Bond, Schoeneck & King in Buffalo, N.Y., and is a member of the firm's management committee. His practice is focused on counseling for-profit and not-for-profit entities engaged in the manufacturing, distribution and service sectors.

1982

Tom Litz (B'79), a partner with Thompson Coburn and chair of the firm's corporate finance and securities group, has been named a St. Louis "Lawyer of the Year" in the 2019 edition of *The Best Lawyers in America* in the area of venture capital law.

Peter Susser (LL.M.) has been recognized in the 2018 *Who's Who Legal Labour, Employment & Benefits Guide*. Susser is a shareholder in Littler's Washington, D.C., office and chair of the firm's international employment law practice group.

1983

Nick Lamb (F'80) has been named a St. Louis "Lawyer of the Year" in the 2019 edition of *The Best Lawyers in America* in the area of railroad law. Lamb is a partner in Thompson Coburn's St. Louis office.

Peter Marlette, an attorney in the Buffalo, N.Y., office of Barclay Damon, has been named a Buffalo "Lawyer of the Year" in the 2019 edition of *The Best Lawyers in America* in the area of mass tort litigation/class actions – defendants. He was also selected to the *Buffalo Business First* Legal Elite of Western New York list.

1984

Bill Aaron Schulman, a patent attorney with Stites & Harbison in the firm's Alexandria, Va., office, has been named an "IP Star" in

both patent law and trademark law by *Managing Intellectual Property* magazine. Schulman, who earned an M.S. in biology from the University of Michigan, focuses his practice primarily on protecting inventions in the fields of biotechnology, life sciences, pharmaceuticals and medical devices.

1988

Kenneth J. Zinghini has joined Martin LLP's corporate practice group as a partner. Zinghini previously served as vice president and deputy general counsel of Loews Corp.

1989

Ruffin Cordell, a principal in the Washington, D.C., office of Fish & Richardson, has received a Band 1 national ranking in the International Trade Commission practice area in the *Chambers USA* 2018 guide.

Christopher S. Williams of Calfee, Halter and Griswold was included in *Chambers USA: America's Leading Business Leaders* 2018 guide as an Ohio leader in the area of litigation: general commercial. Williams has been co-chair of Calfee's litigation department since 2011.

1990

Christopher Jones of Calfee, Halter and Griswold was included in *Chambers USA: America's Leading Business Leaders* 2018 guide as an Ohio leader in the field of natural resources and environment. He was also included in *The Best Lawyers in America* 2019 guide in the area of environmental law. Jones has more than 25 years of experience in the environmental field, including six years as director of the Ohio Environmental Protection Agency.

Dan Negroni, founder and CEO of the workplace consulting firm Launchbox, was recently featured in a podcast interview with "Success Unfiltered" host Michelle

Weinstein, available on iTunes. As a speaker, consultant and coach, Negroni helps companies bridge the gap between managers and their millennial workforce. He is also the author of *Chasing Relevance: 6 Steps to Understand, Engage, and Maximize Next-Generation Leaders in the Workplace*.

1991

James "Jimmy" Adams II, an attorney in the Greensboro, N.C., office of Brooks Pierce, has been named to *The Best Lawyers in America* 2019 guide in the areas of commercial litigation; litigation–labor and employment; and litigation–securities.

Felicity Fowler has joined McGinnis Lochridge and heads the firm's new Dallas office. A labor and employment attorney, she represents management in employment litigation and related proceedings.

1993

John A. Bourgeois, a principal at Kramon & Graham in Baltimore, has been named a Leader in the Field in the 2018 *Chambers USA* legal ranking guide.

Gary E. Davidson (LL.M.), a partner with Diaz Reus & Targ in Miami, has been recognized in the 2019 edition of *The Best Lawyers in America* for his work in international arbitration–governmental and commercial. He also was recently appointed a member of the inaugural Board Certification Committee for International Litigation and Arbitration.

Jesse Raben has been appointed the first-ever general counsel of The Common Application in Arlington, Va., a not-for-profit member organization committed to the pursuit of access, equity and integrity in the college admission process. Raben previously worked for nearly 18 years as associate general counsel at the American Psychological Association.

1994

Rick Minor (LL.M.) has joined the Raleigh, N.C., office of Womble Bond Dickinson. An international tax attorney, Minor has worked as the senior European tax counsel in the European headquarters of three public companies, including Honeywell, AOL Europe and ArcelorMittal, the world's largest steel company. He also served as a senior advisor to the Luxembourg government of Jean Claude Juncker.

1996

Charles Baldwin IV (LL.M.) has been named to *The Best Lawyers in America* 2019 guide in the areas of international trade and finance law. He practices in the Wilmington, N.C., office of Brooks Pierce and is also the attorney for the village of Bald Head Island.

Gerald Dwyer Jr. (LL.M.) has been named a "local litigation star" in the 2019 edition of *Benchmark Litigation*. Dwyer is chair of Robinson & Cole's insurance and reinsurance group and an adjunct professor at the University of Connecticut Law School.

1998

Andrea C. Kuettel is a founding member of Beckage PLLC, a law firm focused on cybersecurity, data protection, information technology, privacy law and litigation. The firm has offices in Buffalo, N.Y., and New York City. Kuettel represents clients in the health care industry, including medical providers, insurance companies and other covered entities under HIPAA and HITECH. She was previously in-house counsel at a National Cancer Institute-designated comprehensive cancer center, and she holds a master's degree in public health from Johns Hopkins University.

1999

Mary Powell (LL.M.), a director at Trucker Huss in the firm's San Francisco office, has been named to the 2018 *Super Lawyers* list for Northern California. She has extensive experience in all aspects of employee benefits, including health care and executive compensation.

Reginald Ratliff has joined Schwabe, Williamson & Wyatt's technology industry group as a shareholder. Ratliff focuses on counseling clients in matters related to patents and representing clients before the United States Patent and Trademark Office.

2000

Timothy Lydon, a Superior Court judge in New Jersey, was recently featured in a *Financial Times* video news report "The Opioid Crisis in America: Inside a Drug Court." In addition to his work on the Superior Court, Lydon oversees the Mercer County drug court, which provides a second chance for opiate and heroin users who have committed non-violent offenses. "It's encouraging. It's rewarding. It's incentivizing good behavior. It's incentivizing progress," Lydon says in the report.

2001

Ralph Winnie (LL.M.) recently appeared on the "Small Business Advocate Show" in an interview focusing on U.S.-China trade issues. He also had two articles published in the summer 2018 issue of the *U.S.-China Review*: "The U.S. Tariff Fight of 2018" (with Sacha Brenac) and "The Role of Hong Kong in the Greater Bay Area Project."

2002

Tanya Goins has joined Greenberg Traurig's corporate practice as of counsel in the firm's Dallas office. Goins is a

leading practitioner in the area of Exchange Traded Funds and advises a range of financial service industry clients.

Brian Turoff has joined Manatt, Phelps and Phillips as a partner and head of the firm's New York employment and labor practice. Turoff counsels and litigates on behalf of companies in a wide range of industries in connection with the full range of employment law and traditional labor law matters.

2003

Anne Newton McFadden has been named assistant dean of career services at Indiana University Maurer School of Law in Bloomington. McFadden most recently worked for the U.S. Department of Justice's Antitrust Division.

2004

James Clark, a partner with Fox Rothschild, has been named to *Benchmark Litigation's* "40 & Under Hot List" for the third consecutive year. He focuses

his practice on four main legal areas: financial services litigation; white-collar compliance and criminal defense; government and regulatory affairs; and insurance.

Ginger Faulk has joined the energy and infrastructure practice group of Eversheds Sutherland as a partner in the Washington, D.C., office. Faulk advises and represents multinational corporations in matters involving U.S. government regulation of foreign trade and investment. Prior to joining Eversheds Sutherland, she was a partner at Baker Botts.

Andrew Perlmutter has been named a principal of Passman & Kaplan in Washington, D.C. He joined the firm as an associate in 2007 and has been a senior associate since 2013.

2005

Boaz Green has joined Keller and Heckman's product safety practice as counsel. He was previously chief counsel to Commissioner Marietta Robinson at the U.S. Consumer Product Safety Commission.

ACHIEVEMENT



1996 LEIF KING was selected to serve as the head of Skadden's corporate/mergers & acquisitions practice in the firm's Palo Alto, Calif., office, where he has been a partner since 2006, and joined in 2000 as one of the office's first corporate associates. He lives in Palo Alto with **Ivonne Mena King (L'96)**, a partner with Foley & Lardner, and their two children. Leif and Ivonne would love to hear from old friends and classmates.

2006

Michael Billok has been recognized in the 2018 *New York Super Lawyers* Upstate Edition in the category of employment and labor. Billok is a member of Bond, Schoeneck & King in the firm's Saratoga Springs, N.Y., office and regularly represents employers in state and federal court.

2008

The Center for Children's Advocacy in Hartford, Conn., has recognized **Jonathan Small** for his pro bono work on behalf of Connecticut's immigrant children. An attorney with Robinson & Cole in its Hartford and Boston offices, Small is a member of the firm's insurance and reinsurance group and represents clients in complex commercial litigation.

2009

Shivani Bautista has been appointed general counsel of NorthShore University HealthSystem, headquartered in Evanston, Ill. Bautista formerly served as counsel-international for United Airlines, overseeing all legal matters across Europe, the Middle East, Africa, Asia and Pacific regions. Bautista currently lives on Chicago's North Side with her husband and two children.

Jason D. Dimopoulos was elected partner at Morgan Lewis. Based in Chicago, Dimopoulos represents clients in complex tax controversies and litigation, including transfer pricing disputes as well as various other local and international tax disputes.

Kyle Gooch has joined Harris Beach as a senior counsel in the firm's Rochester, N.Y., office. His practice focuses on business and commercial litigation, including business contract disputes, class actions, trademark infringement litigation and false advertising disputes.

Raymond G. Lahoud was recently interviewed by *New Jersey Business Magazine* for an article focusing on how New Jersey businesses are affected by current issues in immigration law. Lahoud is a member of Norris McLaughlin & Marcus in Bridgewater, N.J., and chair of the firm's immigration law practice.

Johnathan Lloyd has been named a principal of Passman & Kaplan in Washington, D.C. He joined the firm as an associate in 2010 and has been a senior associate since 2015.

Rebekah Salazar has been named executive director of the Privacy and Diversity Office of U.S. Customs and Border Protection within the Department of Homeland Security. In this role, she oversees privacy, diversity and EEO; Freedom of Information Act (FOIA); and custody support and compliance. She has over 22 years of experience in border security, having previously served as a border patrol agent in California, Texas and Washington, D.C.

Daniel E. Shuey was promoted to partner at Vorys, Sater, Seymour and Pease in Columbus, Ohio. His practice focuses on appellate litigation and representing landowners in eminent domain and adverse possession litigation.

2010

Mujadala "MJ" Abdul-Majid joined Amazon in 2017 at its headquarters in Seattle, where she leads a product compliance team supporting Amazon's e-commerce business. She was previously with the U.S. Food and Drug Administration serving as a regulatory counsel.

Andrew Appleby (LL.M.) has been appointed assistant professor at Stetson University College of Law, teaching courses in

ACHIEVEMENT



2005 NICOLE DEVERO MCGREW has opened Threadleaf, an eco-boutique in Old Town Alexandria, Va., focused on responsibly made clothing and accessories for women. She previously practiced as an associate at Morrison & Foerster, and served as assistant general counsel at the Office of Justice Programs at the U.S. Department of Justice and deputy general counsel at the White House Office of National Drug Control Policy.

federal income tax. Prior to joining the Stetson faculty, he was special counsel in the tax group at Pillsbury Winthrop Shaw Pittman's New York office.

2011

Amanda Baer was recognized as a 2018 *Super Lawyers* Massachusetts Rising Star. Baer is an associate with Mirick O'Connell in the firm's litigation and labor employment and employee benefits groups. She focuses her practice on representing employers in federal and state courts and before the Massachusetts Commission Against Discrimination.

Uchenna Ekuma-Nkama, a managing associate at Dentons and a former federal prosecutor, has been named to the 2018 National Bar Association's "40 Lawyers Under 40 Nation's Best Advocates." Based in Atlanta, she is a member of the firm's litigation and dispute resolution practice.

2012

Sarah Kelly-Kilgore has been named a partner at Greenberg Gross in Los Angeles. Kilgore's practice focuses on complex business litigation matters, including private litigation in state and federal court, regulatory and enforcement actions, and sensitive internal investigations. She is lead counsel on the firm's two cases currently pending before the U.S. Supreme Court, both of which involve First Amendment issues.

2013

Christopher McCall has joined the Denver firm of Moye White as an associate in the trial section. His litigation practice covers a wide range of practice areas, including business disputes, trade secret disputes, FINRA arbitrations, employment matters and product liability cases.

2014

Katie Barlow and **James Romoser** have launched a new website, *Circuit Breaker* (ccircuitbreaker.org), dedicated to news and analysis about the U.S. Court of Appeals for the D.C. Circuit. Their goal is to illuminate for lawyers and non-lawyers alike how this “second-most important court in America” is influencing federal law and policy. Both Barlow and Romoser have dual backgrounds in law and journalism.

Michael Grandy has joined the litigation team at Duffy & Sweeny in Providence, R.I.

Alexandra LaFountain, an associate in the Sacramento, Calif., office of Downey Brand, has been recognized as a 2018 *Super Lawyers* Northern California Rising Star in the area of business litigation.

2015

Bruce Friedrich, executive director of the Good Food Institute, spoke at GFI's inaugural Good Food Conference at the University of California Berkeley. The event included scientists, policymakers, investors, entrepreneurs, and companies interested in promoting plant-based and clean meat.

2018

Kelsey Meany has joined Jones Foster as an associate in the West Palm Beach, Florida office, after serving in the 2017 summer associate program. She will practice in the firm's real estate group. While at Georgetown Law, Meany was a legal intern at National Public Radio and the National Network to End Domestic Violence.

In Memoriam



Mary Ellen Abrecht (L'74)

William Nelson Barret (L'55)

Raymond Joseph Bennett (L'53)

Michael C. Brennan (L'81)

Brian Bulger (C'72, L'77)

June Kalijarvi Conway (L'73, LL.M. '75)

Timothy R. Craig (L'73)

Helen M. Ferris (LL.M. '89)

John F. Franz (L'51)

Edwin Willard Harn (L'50)

Paul Michael Hassett Jr. (L'65)

Philip B. Janus (L'99)

Marc S. Levine (L'66)

Vincent J. McAllister Jr. (LL.M. '58)

David Joseph McCarthy (LL.M. '79)

John L. McDermott (F'68, L'75)

Michael A. Murer (L'68)

Edwin Carl Pearson (L'62)

Robert Ellis Smith (L'75)

Sheila Thomas (L'87)

John R. Gallo (L'81) reports the passing of classmate Michael Brennan, of St. Louis, Missouri, and Brooklyn, New York. “Michael passed on August 12 following an extended illness; he is survived by his wife Janice, two sons Kevin and Jamie, a granddaughter, and two brothers.

Michael and I began our friendship during our third year as participants in Bill Greenhalgh's criminal justice clinic. Together with fellow clinic participant and close friend Phil Guzman, we began our careers in the Brooklyn District Attorney's Office. For Michael, as a son of the Midwest, Brooklyn was a new adventure; for me, Brooklyn was just home. But what Michael and I shared was the belief that once one got past friends and family, the two most important things in life were politics and baseball. Michael had the good fortune to be born a St. Louis Cardinals fan, and the good sense to be a Democrat. I enjoyed neither advantage, having been a lifelong New York Mets fan, and an unapologetic (albeit conflicted) Republican. During the course of our friendship, we enjoyed many nights arguing (usually civilly) about politics, and attended too many baseball games at Shea Stadium /Citi Field to recount. Most enjoyably, Michael and his wife frequently came to my house for dinner, where classmates Tom Kennedy and Jon Freedman were often present. On those evenings, we fiercely and sometimes rationally debated the events of the day, drank well, resolved nothing, and cemented our friendships. And most importantly, what I learned from Michael in the past year was that the friendships and bonds that we have formed in life matter far more than the differences we may share on temporal issues of the day.

A memorial service [was] held October 27 at the Brooklyn Society for Ethical Culture. Condolences can be sent to the Ethical Culture Society. I also can send any message of condolence to his family, and can be contacted via e-mail at jgallo31@optonline.net. My best wishes to everyone in our class.”

Awards, Recognitions and Appointments

Christopher Adams (L'92) was sworn in as first vice president of the National Association of Criminal Defense Lawyers (NACDL) at the association's annual meeting this past summer. Adams founded the Law Office of Christopher W. Adams, P.C., in 2007 in Charleston, S.C. and previously served as founding director of the Office of the Georgia Capital Defender, a state agency defending poor people accused of capital murder.



Gov. Larry Hogan of Maryland has appointed **Pamela Alban (L'95)** to fill one of three vacancies on the Anne Arundel County Circuit Court, the Annapolis *Capital Gazette* reported. She has served as a career prosecutor in the Anne Arundel County State's Attorney's Office for her entire legal career, serving as the division chief for the Special Victims Unit and for the Sex Offense and Child Abuse Unit.

Emily Benfer (LL.M.'10) has been honored with 2018 David P. Rall Award for Advocacy in Public Health by the American Public Health Association for her work preventing lead poisoning in children, particularly those who live in federally assisted housing. A noted authority in the field of health justice, Benfer recently joined the Columbia Law faculty as a visiting associate clinical professor of law. She created and directs the law school's Health Justice Advocacy Clinic.

Mitch Daniels (L'79), president of Purdue University and former governor of Indiana, will receive the Indiana Chamber of Commerce Business Leader of the Year award at the Chamber's annual awards dinner in November.

Lawrence F. Giordano (L'78) has been named a Fellow of the American Bar Foundation. A shareholder with Lewis Thomason in Knoxville, Tenn., he is co-chair of the firm's education law and health care practice groups.

Rebekah J. Glover (L'11) has been appointed to serve as chair of the Public Utilities Law Committee of the Ohio State Bar Association. Glover joined the Columbus office of Whitt Sturtevant LLP in 2015, after previously working for the Public Utilities Commission of Ohio as legal aide to Commissioner Asim Z. Haque.



Hargur Jaggi (LL.M.'06) became the first differently abled attorney to qualify as a Delhi High Court Judge after passing the qualification exam. He is a founding partner at the Delhi-based law firm Luthra & Jaggi, as well as an avid mountaineer who trains differently abled climbers.

Jorge Mestre (LL.M.'16), a partner with Rivero Mestre, has been appointed to Florida's Judicial Nominating Commission for the Eleventh Circuit by Gov. Rick Scott. Mestre's practice focuses on commercial litigation and arbitration, and he has litigated domestic and international arbitration matters in both English and Spanish.

Russell Moy (LL.M. '05) was elected as a Fellow of the American Association for the Advancement of Science. Moy currently serves as general counsel of the Southeastern Universities Research Association, the management and operating contractor for Jefferson Lab, one of the U.S. Department of Energy National Laboratories.

John R. Murphy (L'92) has been appointed as an associate justice to the Sisseton Wahpeton Oyate's Court of Appeals, located on the Lake Traverse Reservation in South Dakota. The Sisseton Wahpeton Oyate is a federally recognized Indian tribe and part of the Santee Dakota Nation. In addition to his role on the court, Murphy owns and manages a criminal defense firm in Rapid City.

Edward J. McLaughlin (L'72), former New York Supreme Court Justice, was inducted into the Xavier High School Hall of Fame on Oct. 26th.

Anne Nobles (L'84) has been appointed to the board of the Indiana University (IU) Health Foundation. She retired from Eli Lilly after a 22-year career, where she last served as senior vice president of enterprise risk management and chief ethics and compliance officer. She has served as chair of the IU Health board of directors since 2014.

Bimal Patel (L'08) has been nominated to be an assistant secretary of the Treasury for financial institutions by President Donald Trump. He currently serves as the deputy assistant secretary of the Treasury for the Financial Stability Oversight Council. He previously served as a partner and head of the financial advisory and regulation practice in the Washington, D.C., office of O'Melveny & Myers.



Barbara Underwood (L'69) was appointed attorney general of New York State in May 2018, the first woman to serve in the position. Underwood had been the state's solicitor general since 2007. "It is a tremendous honor," Underwood said in a news statement. "I've served in many roles in government throughout my career. But I believe this job — at this moment in history — is the most important job I have ever had."

After graduating first in her class at Georgetown Law, Underwood served as law clerk to Chief Judge David L. Bazelon of the U.S. Court of Appeals for the D.C. Circuit and Justice Thurgood Marshall of the U.S. Supreme Court. She held a tenured faculty position at Yale Law School prior to beginning a long career in public service. In 1998, Underwood was appointed as principal deputy solicitor general of the United States, and served as acting solicitor general in 2001.

SIR JOHN M. VIOLA
NEW YORK, NY
Archdiocese of New York

SIR MARK V. VLASIC
WASHINGTON, DC
Archdiocese of Washington

SIR NICHOLAS J. VOLPE
WINNETKA, IL
Archdiocese of Chicago

In September, **Mark Vlasic (B'96, L'01)** was bestowed a Papal order of knighthood in recognition of his service to the Vatican. Vlasic is a principal at Madison Law & Strategy Group, where he heads the firm's international practice, and provides legal and strategic advice to clients on international affairs, international trade, cross-border transactions and general public policy matters. He also serves as an adjunct professor at Georgetown Law, and is a senior fellow of Georgetown's Institute for International Economic Law and Institute for Law, Science & Global Security. He is a member of the Vatican's Centesimus Annus Pro Pontifice Foundation, founded by Pope John Paul II in 1993.

James Zazzali (C'58, L'62), former chief justice of the New Jersey Supreme Court, was recently honored with a 2018 Icon Award from the business journal *NJBIZ*. He is currently of counsel in the commercial and criminal litigation department at Gibbons P.C.

Evan C. Zoldan (L'03) was appointed to the rank of full professor by the University of Toledo College of Law. He currently is serving as chair of the Association of American Law Schools section on legislation.





A Celebration of International Diversity

Georgetown Law's Office of Graduate Programs, the Georgetown Arab Lawyers Organization, Foreign Lawyers at Georgetown and the Office of Equity, Community and Inclusion hosted a "Celebration of International Diversity" in Spring 2018. Student performers included Yi Jie (LL.M.'18).

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