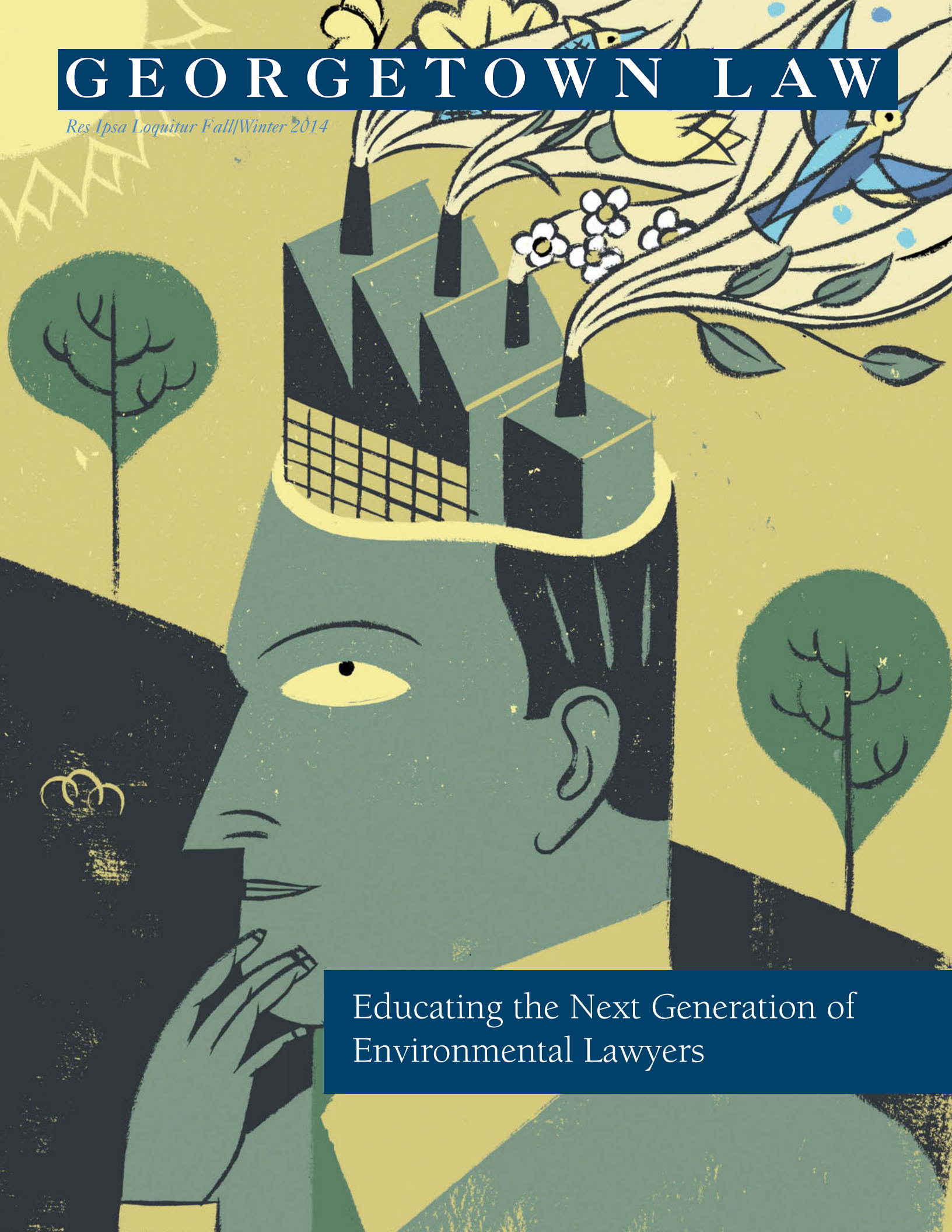
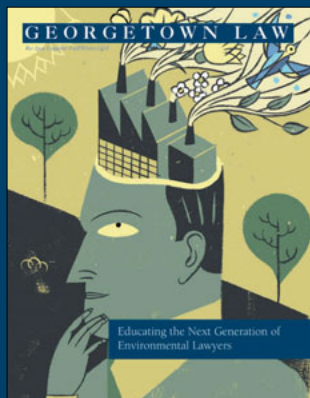


GEORGETOWN LAW

Res Ipsa Loquitur Fall/Winter 2014



Educating the Next Generation of
Environmental Lawyers



GEORGETOWN LAW

Fall/Winter 2014

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Letter from the Dean



The role of convener is an important one at Georgetown Law. We often bring academics, experts and organizations together to connect and share. We are a meeting place, a nexus. In late July, I participated in a remarkable group of meetings on public-private partnerships in rural America (see page 10). After attending the White House Rural Council's Rural Opportunity Investment Conference and announcing the Law Center's own series of symposia on public-private partnerships to be held here this academic year, I hosted a luncheon at which U.S. Secretary of Agriculture Thomas Vilsack, CoBank CEO Robert B. Engel and Kentucky Gov. Steve Beshear all spoke about the value of partnerships. Vilsack thanked the Law Center for convening the luncheon and "understanding the conversations."

Vilsack thanked the Law Center for convening the luncheon and "understanding the conversations."

As you'll learn in this issue's cover story (on page 24), our environmental law program is also built on the sorts of connections that happen when great minds share important ideas. Senior Environmental Protection Agency staff made it clear, for instance, that our Climate Center's work with the states was frequently discussed and cited when drawing up the Obama administration's proposal to reduce carbon emissions from U.S. power plants 30 percent by 2030. Our new environmental law LL.M. is the latest proof of our growing dominance in this field.

Professor William Buzbee, who joins the environmental law faculty from Emory, is one of four new full-time faculty members. I am also pleased to welcome to the faculty Anne Fleming, a scholar in the history of consumer credit regulation and former Climenko Fellow at Harvard, and Anne Marie Whitesell, former secretary general of the International Court of Arbitration of the International Chamber of Commerce. In addition, we are pleased to welcome an impressive roster of visiting faculty, including George Yin from the University of Virginia and Sheila Foster and Robin Lenhardt of Fordham Law. Three leaders in the fields of tax, trade and international law join us at a time in which these issues are more important than ever — Jennifer Hillman, former judge of the WTO's Appellate Body, Joost Pauwelyn of the Graduate Institute of International and Development Studies in Geneva, Switzerland, and former Columbia Law School Dean David Schizer, who is this year's Martin D. Ginsburg Visiting Professor of Taxation. (See pages 2-9.)

With such strong faculty and programs, it's no wonder that we attract students from all over the nation and the world. In this issue you'll learn about our summer "boot camp" for foreign LL.M. students, Foundations of American Law and Legal Education. It's a program that has been here for decades and continues to showcase our extraordinary faculty and exceptional students (page 34). You'll also read about some of our young J.D. graduates, who choose to give back to others right from the beginning of their careers (page 44). Giving back, moving forward, making connections — these are some of the many ways Georgetown Law continues to make a difference. Thanks for all you do to keep this institution strong.

Sincerely,

William M. Treanor
Dean of the Law Center
Executive Vice President, Law Center Affairs

GEORGETOWN LAW

Res Ipsa Loquitur Fall/Winter 2014



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Georgetown Law ramps up its already top-notch environmental law program with a new LL.M., additions to the faculty and plenty of real-world opportunities.

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Fifty-one students from 25 nations have three weeks to learn the basics of American law. They don't call this "boot camp" for nothing.



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These young alumni have found their dream jobs helping others.

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FACULTY NOTES



New Faculty Join the Law Center



EMORY UNIVERSITY

WILLIAM BUZBEE

B.A. 1983
Amherst

J.D. 1986
Columbia

EXPERIENCE AND AFFILIATIONS
Professor of Law, Emory University

Associate, Patterson, Belknap, Webb & Tyler

Attorney-Fellow, Natural Resources Defense Council

Law Clerk for the Hon. Jose A. Cabranes, U.S. District Court,
District of Connecticut

COURSES

Environmental Law

Administrative Law

The Art of Regulatory War: Federalism and Other Legal-Political
Battlegrounds

REPRESENTATIVE PUBLICATIONS

*Fighting Westway: Environmental Law, Citizen Activism, and
the Regulatory War that Transformed New York City* (Cornell
University Press, 2014)

*Preemption Choice: The Theory, Law & Reality of Federalism's
Core Question* (Cambridge University Press, 2009) (edited volume)

"Asymmetrical Regulation: Risk, Preemption, and the Floor/
Ceiling Distinction," 82 *N.Y.U. Law Review* (2007)

Perhaps the most apt description of Bill Buzbee's career as a law professor comes from Bill himself: "Scholar, Teacher, Public Policy Player" is the title of an essay Bill wrote several years ago describing the "balancing act of the modern legal scholar." Bill is a leading scholar of regulatory design, regulatory federalism and citizen engagement; a committed, award-winning teacher; and an active participant in legal and policy debates in all three branches of government.

These mutually reinforcing roles are on full display in Bill's most recent work, exploring the legal, political and scientific battles over the most expensive highway project ever proposed: the Westway project in New York City. His book *Fighting Westway*, published by Cornell University Press this year, offers not only an in-depth scholarly treatment of an intensely political fight, but also astute observations on the lessons we can draw from it in trying to understand — and make our way through — analogous contemporary controversies. As Columbia's Richard Briffault has put it, *Fighting Westway* "weav[es] together the many different, overlapping roles played by politics, regulatory agencies, environmental science, grassroots advocacy, and public interest lawyering," and in doing so "reveals the structure in which public policy is often made today." Bill's students are among the beneficiaries of this scholarship. His seminar, the Art of Regulatory War, uses

the Westway project as one of several case studies of how the modern regulatory war is waged at the intersection of law and politics. The broad policy relevance of Bill's work is evident in the array of venues in which he has been asked to present it, ranging from the Jimmy Carter Presidential Library to New York City museums to federal regulatory agencies.

Bill comes to us from Emory, where he taught for 20 years. At Emory, Bill proved himself an invaluable member of the university community. He directed the law school's environmental and natural resources program and helped to design, launch and raise funds for the Turner Environmental Law Clinic. He helped to revive and recast Emory's program in environmental science, make Emory a national leader in green buildings and sustainable university practices, and lead Emory Law's recent strategic planning.

Describing his move to Georgetown, Bill echoes the overlapping themes of scholarship, teaching and policy engagement that have characterized his whole career: "I can't think of a better place to immerse myself even further in the world of environmental law, legislation and regulation, with expert colleagues down the hall, students with related experiences in class, and a city of leading experts right outside Georgetown's doors."

All this sounds very serious, and it is. But in a city often consumed by work, Bill will be a breath of fresh air: He is an avid sea kayaker, an enthusiastic musician (guitar, mandolin and bass) and a funny guy. His wife, Lisa Chang,

just completed four years as the DeKalb County Attorney. Bill and Lisa have two grown daughters, one in college and one teaching for Teach for America. They also have a beautiful house, for sale in Atlanta.

— Lisa Heinzerling



ANNE FLEMING

B.A. 2002
Yale

J.D. 2005
Harvard

EXPERIENCE AND AFFILIATIONS

Climenko Fellow and Lecturer on Law, Harvard Law School

Law Clerk for the Hon. Marjorie O. Rendell, U.S. Court of Appeals for the 3rd Circuit

Law Clerk for the Hon. Miriam Goldman Cedarbaum, U.S. District Court for the Southern District of New York

Staff attorney, South Brooklyn Legal Services, Brooklyn, New York

COURSES

Contracts

Consumer Debt and Bankruptcy Seminar

REPRESENTATIVE PUBLICATIONS

"The Rise and Fall of Unconscionability as the 'Law of the Poor,'" 102 *Georgetown Law Journal* (2014)

"The Borrower's Tale: A History of Poor Debtors in *Lochner* Era New York City," 30 *Law & History Review* 1053 (2012)

City of Debtors: Law, Loan Sharks, and the Shadow Economy of Urban Poverty, 1900-1970 (dissertation/book manuscript in progress)

Every law professor has to find her own solution to what Chief Justice Harlan Fiske Stone called "the problem of legal education" — how to reconcile "the practical needs and aims of professional training" with "the educational ideals of the university." As she begins her career as a law professor at Georgetown, Anne Fleming has a fertile field in which to find hers: the law and policy of lending to low-income consumers. In part her preparation has been legal. She graduated from Harvard Law School magna cum laude in 2005 after serving as an editor for the *Harvard Civil Rights-Civil Liberties Law Review* and as a student-attorney and intake director of the Harvard Legal Aid Bureau. She then clerked for judges on the U.S. District Court for the Southern District of New York and the U.S. Court of Appeals for the 3rd Circuit. Thereafter she joined the front lines of the housing crisis as a staff attorney in the Foreclosure Prevention Project at South Brooklyn Legal Services. For two years she litigated residential mortgage foreclosure and housing discrimination cases on behalf of low-income homeowners, negotiated settlements and counseled clients. She would draw on her firsthand experience of "the practical needs and aims" of the legal profession when she taught legal research and writing and a seminar on consumer finance as a Climenko Fellow and Lecturer on Law at Harvard, the positions she left to join the Georgetown faculty.

As a legal services lawyer, Professor Fleming saw her clients making perilous decisions under severe financial constraint, but she lacked the time and perspective to work out the origins of the legal and economic structures that limited their options and the prospects for structural reform. An honors history major at Yale, she suspected that the “ideals of the university” might help. In 2009 she entered the doctoral program in history at the University of Pennsylvania. After studying with world-class historians of law, politics, social welfare and industry, she passed her qualifying exams with distinction and plunged into her dissertation, “City of Debtors: Law, Loan Sharks, and the Shadow Economy of Urban Poverty, 1900-1970.” Legal historians gave an installment depicting the world of reformers, small-sum lenders and the working poor in Progressive-Era New York City their top graduate student prize and published it in their top journal. Business historians awarded her their junior scholar prize for another chapter, showing how small-sum lenders used law to construct the market for consumer credit in the 1920s. A third paper, centered on *Williams v. Walker-Thomas Furniture Company* (1965), a landmark in the law of unconscionability, was recently published in the *Georgetown Law Journal*.

In the 2014-15 academic year, Professor Fleming will teach the Consumer Debt and Bankruptcy Seminar in the fall and Contracts in the spring.

— Daniel R. Ernst



ANNE MARIE WHITESELL

B.A. 1981
Smith College

J.D. 1985
University of Virginia School of Law

PH.D. 1996
Université de Paris I, Panthéon-Sorbonne

EXPERIENCE AND AFFILIATIONS
Of Counsel, Dechert, Paris and Washington, D.C. offices

Secretary General, International Court of Arbitration, International Chamber of Commerce, Paris, France

Lecturer, Université de Paris I, Panthéon-Sorbonne, Law Faculty

COURSES
Introduction to International Commercial Arbitration
Advanced International Commercial Arbitration

Anne Marie Whitesell is serving in the newly created position of professor of international arbitration and director of international dispute resolution programs. She will also advise students in the Law Center's International Arbitration and Dispute Resolution certificate program for LL.M. students.

As the secretary general of the International Court of Arbitration of the International Chamber of Commerce from 2001 to 2007, Whitesell supervised approximately 1,100 international arbitration cases involving parties from over 120 countries each year. She has also been of counsel in Dechert's arbitration practice.

Whitesell is a graduate of Smith College and the University of Virginia School of Law, and has a doctorate in law from the Université de Paris I Panthéon-Sorbonne. She previously taught at the Université de Paris I, the Institut de Droit Comparé and at Georgetown Law.

Whitesell has practiced with law firms in both the United States and in France, has acted as counsel and arbitrator in numerous international arbitration cases and is director of the Alternative Dispute Resolution Center of the International Law Institute. Whitesell will teach Introduction to International Commercial Arbitration and Advanced International Commercial Arbitration.

William M. Treanor Reappointed Dean



Dean William M. Treanor has been reappointed executive vice president for Law Center Affairs and dean of the Law Center effective July 1, 2015, for a term of five years. The reappointment comes from Georgetown University President John J. DeGioia and members of the University's board of directors. Treanor, Georgetown Law's 16th dean, has served since 2010.

"I am deeply grateful to Dean Treanor for his leadership since taking on the role of dean," DeGioia said, noting that this is a time of considerable challenge for higher education in general and for law schools in particular. "I look to Dean Treanor to play an important leadership role in addressing how Georgetown University Law Center can best position itself to succeed in the years ahead."

During Treanor's time at Georgetown, the school has significantly expanded its already strong experiential education curriculum by increasing its practicum courses from three to more than 30, launching a transactional clinic for social enterprises, and more than quintupling

the number of students placed in externships. The Law Center has also significantly increased students' opportunities to study subjects that are important to the practice of law but that are not covered in the traditional legal curriculum. The Law Center started an intensive finance and accounting "boot camp" for second- and third-year students; initiated a series of classes for externship students on topics such as strategic thinking, networking and collaboration; and created a leadership academy for first-year students.

During his tenure, the Law Center has launched new LL.M. degree programs in national security law and in environmental law, started its first online degree program, an Executive LL.M. in taxation, and established a Center on Privacy and Technology.

Treanor significantly increased the career planning assistance that the Law Center provides students and recent graduates through expansion of the Entry into Practice program and the creation of fellowships with government and non-

profit employers. He also spearheaded a strategic planning process that involved extensive outreach to alumni.

At the same time, the Georgetown Law faculty has maintained its tradition of scholarship and service. In recent months alone, faculty have published major scholarly books on international financial regulation, the costs of affirmative action, the history of the administrative state, global health policy, lawyers and tax shelters, clinical pedagogy, and the adjudication of asylum cases. There have been important additions to the faculty in areas such as legislation, international finance, criminal law, business organization, consumer credit regulation, environmental law, civil procedure, poverty law, education law, legal theory, law and technology, and tax law.

Treanor served as dean of Fordham Law School from 2002 to 2010 after joining the Fordham faculty in 1991. Earlier he served as deputy assistant attorney general in the Justice Department's Office of Legal Counsel and as associate independent counsel in the Office of the Iran-Contra Independent Counsel.

Treanor has been recognized by the *National Law Journal* as a "Champion," was named one of the top 500 lawyers in the country by *Lawdragon* magazine, and received the David Stoner Uncommon Counselor Award from the David Nee Foundation for his efforts to raise mental health awareness among law students. For two consecutive years, *National Jurist* magazine has named him one of the most influential people in legal education; in 2014 he was listed among the top 10. In addition to his work, Treanor will teach Legal Justice, a first year course, and will co-teach an upper-level course on the drafting of the Constitution.

Faculty Awards and Recognition



Professor **Randy E. Barnett** is one of four recipients of the 2014 Bradley Prize. The award was presented at the John F. Kennedy Center for

the Performing Arts on June 18. The honor recognizes individuals who have made contributions in areas consistent with the mission of the Lynde and Harry Bradley Foundation, which supports research and other activities that further the principles of democratic capitalism, limited government and a dynamic marketplace. Past recipients include columnist George Will, Florida Gov. Jeb Bush, Adjunct Professor Paul Clement and alumnus Mitch Daniels (L'79), former governor of Indiana. Adjunct Professor Lee Liberman Otis shared one of the 2009 prizes.



The U.S. Senate has confirmed Visiting Professor **Pamela Harris** to the United States Court of Appeals for the 4th Circuit. Harris formerly

served as the executive director of the Supreme Court Institute and is now its senior adviser.



Lawyers of Color Magazine has named Professor **Kristin Henning** to its inaugural "50 Under 50" List, which recognizes the 50 most influ-

ential minority law professors 50 years and younger.



Professor **Patricia King** received an honorary doctor of laws degree from Harvard University, her alma mater. King has served as a member of the

Harvard Corporation, the University's top governing board, and is an expert in bioethics. Her fellow awardees include former President George H.W. Bush, former New York City Mayor Michael Bloomberg and singer Aretha Franklin.

King also delivered Georgetown University's Spring Faculty Convocation "Life of Learning" Address, during which she traced the roots of her passion for education and health to her experiences with segregation, health care, racism and diversity growing up in Norfolk, Virginia.



An article by Professors **Donald C. Langevoort** and **Robert B. Thompson** was named one of the 10 best corporate and securities articles of 2013 in Corporate Practice Commentator's 20th annual poll. "Publicness' in Contemporary Securities Regulation After the JOBS Act," which was published in the *Georgetown Law Journal*, was chosen from among 550 articles.



Professor **David Luban** has been elected a member of the American Academy of Arts and Sciences, one of 204 new members that also include Booker

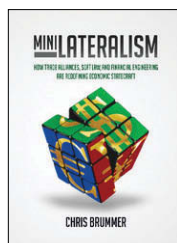
Prize winner A. S. Byatt, Pulitzer Prize winners Jules Feiffer and Annie Proulx and actor Al Pacino. Luban will be inducted on October 11, 2014, in Cambridge, Massachusetts. Professor T. Alexander Aleinikoff, who is the U.N. deputy high commissioner for refugees, was elected to the Academy last year. Professor Louis Michael Seidman was elected in 2011, and Dean Emeritus Robert Pitofsky was elected in 2000.



Professor **Wallace Mlyniec** is the inaugural recipient of the Gault Award for Outstanding Dedication and Commitment to Juvenile Defense, which recognizes

individuals who have dedicated their talents and energy to improving the quality of defense counsel for youth accused of crime. Mlyniec received the award on May 15 at the 10th anniversary celebration of the National Juvenile Defender Center.

Faculty Book Briefs



**CHRIS
BRUMMER**

Minilateralism: How Trade Alliances, Soft Law and Financial Engineering are Redefining Economic Statecraft (Cam-

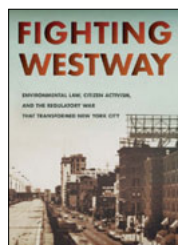
bridge University Press, 2014)

In his new book *Minilateralism: How Trade Alliances, Soft Law and Financial Engineering are Redefining Economic Statecraft*, Professor Chris Brummer provides a cutting-edge look at 21st-century economic diplomacy. In the book, which moves from European trade and monetary relations to the G-20 and the internationalization of Chinese currency, Brummer explains how strategic alliances, informal agreements and financial engineering increasingly characterize a new generation of economic statecraft as power becomes more diffuse.

John C. Coffee Jr., Adolf A. Berle Professor of Law and director of the Center on Corporate Governance at Columbia Law School, describes the book as “an eye-opening and elegantly written tour, as history and economics interact, new institutions evolve, and soft law seeks to hold the new networks together. ... As the era of American hegemony draws to a close and as the institutions that once dominated the multilateral era (the WTO, the World Bank and the IMF) find themselves constrained by a more complex environment, new institutions and smaller networks are developing, much as the first small, furry mammals quietly appeared at the end of the Age of Dinosaurs. Brummer incisively connects the dots between the financial, trade and monetary regulation, charting the growth of these new bodies.”

Anne-Marie Slaughter, president and CEO of New America and the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University, says, “Brummer has brought several seemingly disparate trends in the global financial system together under the useful umbrella of minilateralism. In doing so, his lively and engaging writing style gives life to the details of global governance and financial engineering. Most importantly, however, instead of just celebrating the new status quo, he identifies minilateralism as a response to globalization that when improperly managed can create as many problems as it solves.”

Ethiopia Tafara, vice president and general counsel of the International Finance Corporation, World Bank Group, says, “Few books tackle so many topics so clearly and elegantly, and bundle them into one compelling narrative. Moving from the regulation of coins in medieval Europe to today’s international money supply and the rise of the Chinese RMB, and from Venetian trade strategy to today’s WTO, *Minilateralism* offers compelling history and theory of how economic diplomacy works. For standard-setters looking to understand their role in the global economy, a must read from a top expert in the field.”



WILLIAM W. BUZBEE

Fighting Westway: Environmental Law, Citizen Activism and the Regulatory War that Transformed New York City (Cornell

University Press, 2014)

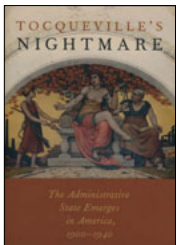
In his new book *Fighting Westway: Environmental Law, Citizen Activism and the Regulatory War that Transformed New York City*, Professor William W. Buzbee provides a history of one of environmental law’s most epic and renowned battles. Buzbee uses archival documents and interviews with stakeholders to dissect the legal, environmental and political battles over Westway, the most expensive federally financed highway of its day and a project that would have involved massive landfilling in the Hudson River. It was a struggle that lasted 14 years, involving direct citizen protests and activism, Congress, presidents, agencies and several court trials. It pitted senators, mayors and the editorial boards of the *New York Times* and *Daily News* against scientists, federal agency staff and citizen activists and their lawyers. Buzbee uses the Westway battles to illuminate the strategies and elements of high stakes regulatory wars. Although many books have been written about the law, few illuminate the strategies and choices at play in common but complex regulatory conflicts that often involve society’s most fundamental political choices.

“Westway’s defeat remains shocking to its champions, especially considering the power of its supporters,” Buzbee writes. Although Westway’s defeat has often been described as an anti-democratic outcome over a mere procedural snafu, or lacking merit under the law, Buzbee reveals that Westway’s battles were over high stakes. The project’s defeat was not due to “some antidemocratic fluke,” he says, but to an effective combination of citizen activism, a highway versus mass transit choice, scientific input by expert regulators, environmentally protective

choices in the law and judicial impartiality. While Buzbee surveys the entire history of the project, he focuses most of his attention on the legal and regulatory battles at its endgame, from 1982 to 1985.

"The dramatic story of the battle over Westway serves as a masterful case study of how today's regulatory wars are waged across the United States," says Richard Briffault, Joseph P. Chamberlain Professor of Legislation at Columbia University Law School.

And John H. Adams, founding director of the Natural Resources Defense Council, says: "Finally! The first thorough, truthful account of one of the great environmental battles of the twentieth century!"



DANIEL R. ERNST

Toqueville's Nightmare: The Administrative State Emerges in America, 1900-1940
(Oxford University

Press, 2014)

In his new book *Toqueville's Nightmare: The Administrative State Emerges in America, 1900-1940*, Professor Daniel R. Ernst chronicles the development of the administrative state in this country and provides a riveting history of a fundamental aspect of modern American life.

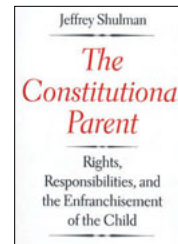
The title refers to Frenchman Alexis de Tocqueville's warning that if America ever acquired a national administrative state, "insufferable despotism" would result. Quite the contrary, says Ernst.

The administrative agencies that came into their own during the first half of the 20th century were buttressed by the rule of law as revealed in common law courts.

Ernst highlights the actions of such icons as legal scholar Ernst Freund, Harvard Law School Dean Roscoe Pound and Supreme Court Justices Felix Frankfurter and Charles Evans Hughes in bringing these changes about. Of Hughes, Ernst says, "[N]o one did more to make administration over in the image of the courts."

The administrative state that emerged by 1940 is still relevant today, Ernst contends, because the notions of law that emerged during that time are still used to hold administrators accountable. "The history recounted here also remains relevant because it shows that the builders of the new administrative state did not succumb to alien ideologies; rather, they sought to preserve, not renounce, fundamental principles of American government," Ernst writes.

"Daniel Ernst provides a wonderfully rich and subtly revisionist account of one of the crucial eras in the development of American administrative law," says Jerry L. Mashaw, Sterling Professor of Law at Yale University. "Daniel Ernst has put forth an account of the growth of the American administrative state that reveals the limitations of conventional wisdom and is likely to become authoritative," says G. Edward White, the David and Mary Harrison Distinguished Professor of Law and University Professor at the University of Virginia School of Law.



JEFFREY SHULMAN

The Constitutional Parent: Rights, Responsibilities, and the Enfranchisement of the Child (Yale Press, 2014)

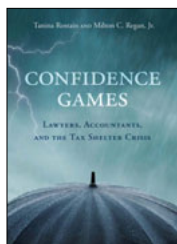
In *The Constitutional Parent: Rights, Responsibilities and the Enfranchisement of the Child*, Jeffrey Shulman argues that parental rights are neither implicit in our Constitution nor enshrined in our legal history. Parental power rests on parental responsibility, Shulman says, describing a "trust model of parent-child relations" already recognized in early 19th-century cases. Subsequent rulings affirmed this connection between rights and responsibilities.

"What is deeply rooted in our legal traditions and social conscience," Shulman writes, "is the idea that the state entrusts parents with custody of the child ... only as long as parents meet their legal duty to take proper care of the child." Shulman explores these ideas through a legal-historical examination of parental custody, education, religion and non-parental third-party rights — and with references to John Milton and William Shakespeare as well as laws and cases.

"With all its attendant joys, parenting is a somber task, for it entails, in a profound and poignant way, the loss of the child ..." Shulman writes. "Is it any wonder that we would want to transform the sacred trust of parenthood into a sacred right? But such a right comes at too great a cost. When Adam and Eve leave Paradise, as Milton recounts the story, they shed some natural tears, but 'the

World was all before them,’ as it should be for all children as they enter on the path to adulthood.”

Georgetown Law Professor Mike Seidman calls the book “deeply learned, beautifully written and courageous.” And Harvard Law Professor Elizabeth Bartholet, author of *Family Bonds* and *Nobody’s Children*, says, “This beautifully written history is enormously important to the current debate about the state’s ability to protect children. Shulman’s compelling story of the constitutional parent brings new light to the issues, and new support for child rights.”



TANINA ROSTAIN AND MILTON C. REGAN JR.

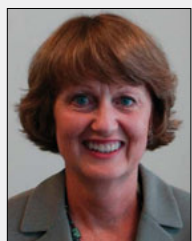
Confidence Games: Lawyers, Accountants, and the Tax Shelter Industry (MIT Press, 2014)

In their new book *Confidence Games: Lawyers, Accountants, and the Tax Shelter Industry*, Professors Tanina Rostain and Milton C. Regan Jr. describe the rise and fall of the tax shelter industry, the professional misconduct that allowed it to flourish and the ultimately successful government efforts to subdue it.

Rostain and Regan set the stage for this development — the boom years at the turn of the 21st century and the raft of complex tax shelters developed by such accounting firms as KPMG and Ernst & Young — and the hobbled Internal Revenue Service that struggled to keep up with it. The authors acknowledge that individual wrongdoers were at fault, but they also probe the organizational causes and the responsibility of the tax adviser.

Claire Hill, Professor and James L. Krusemark Chair in Law at the University of Minnesota Law School, says, “This book manages what many might think impossible: it’s a page-turner about tax.” See page 54 for an excerpt.

Visitors in Tax, Trade & International Law



Jennifer Hillman, who will teach the courses International Law I and International Law II: International Trade and Business Law, has had a distinguished

career in public service both nationally and internationally. Most recently, she served as one of seven judges from around the world on the World Trade Organization’s highest court, its Appellate Body. Hillman currently serves as a senior transatlantic fellow for the German Marshall Fund of the United States and with the law firm of Cassidy Levy Kent. She earned a J.D. from Harvard Law School, and an M.Ed. and B.A. magna cum laude from Duke University.



Joost Pauwelyn, who will teach International Trade Law and lead a practicum in International Trade and Investment Law, specializes in international economic law,

in particular the law of the World Trade Organization (WTO) and foreign investment law. Since 2007 he has been a professor of international law at the Graduate Institute of International and Development Studies in Geneva, Switzerland, and co-director of the Institute’s Centre for Trade and Economic Integration. He also served as legal officer at the WTO. Pauwelyn received degrees from the Universities of Namur and Leuven, Belgium, as well as Oxford University; he also holds a doctorate from the University of Neuchâtel.



David Schizer, who will teach the Tax Law and Public Finance Workshop, will serve as the Martin D. Ginsburg Visiting Professor of Taxation. He is the

Harvey R. Miller Professor of Law and Economics at Columbia Law School, where he served as dean from 2004 to 2014. When he was appointed, he was the youngest dean in the school’s history, and he was the school’s longest-serving dean in over four decades. Schizer clerked for Supreme Court Justice Ruth Bader Ginsburg, and Professor Martin Ginsburg was an important mentor. Schizer has written more than 30 books and articles on taxation, governance and energy law. He earned his B.A., M.A. and J.D. all from Yale.



LECTURES AND EVENTS



BILL PETROS

U.S. Secretary of Agriculture Thomas Vilsack, CoBank CEO Robert B. Engel and Georgetown Law Dean William M. Treanor at a July 24th luncheon.

Georgetown Law Hosts Events, Plans Symposia on Partnerships for Rural America

On Thursday, July 24, Dean William M. Treanor hosted a luncheon for more than 500 conference attendees at the White House Rural Council's Rural Opportunity Investment Conference, which focused on investment in rural America.

At the luncheon, U.S. Secretary of Agriculture Thomas Vilsack and CoBank CEO Robert B. Engel spoke of an initiative they announced earlier that day: the creation of a new \$10 billion U.S. Rural Infrastructure Opportunity Fund through which private

entities can invest in job-creating projects across the country.

"It's really about a whole new way of doing business," Vilsack said at the lunch. "There is enormous capacity to partner ... and you here are at the beginning of this. You are the pioneers of this effort."

Vilsack thanked the Law Center not only for convening the luncheon, but also for "understanding these conversations." He noted that Georgetown Law's own new initiative, a series of symposia on

public-private partnerships, will continue to explore the themes of the Rural Opportunity Investment Conference over the course of the next year. (The symposia will begin in October and will cover everything from reconciling differences in public and private contracting provisions to the challenges presented by information sharing and privacy.)

Engel noted that the commitment and investment necessary to keep the rural economy vibrant and globally competitive

requires more than the traditional players. “We must do everything we can to match rural infrastructure projects to sources of capital, and that’s why we are so delighted to be the anchor investor in this new fund,” he said.

In the keynote address, Kentucky Gov. Steve Beshear spoke of successes in his state that can be a model for other states to follow. Among other things, Beshear has helped to create the successful SOAR program (Shaping Our Appalachian Region) to address the challenges facing eastern Kentucky and its economy.

Georgetown Law also held a dinner for invited guests at the Law Center on July 23, featuring Engel and Tony James, the CEO of Blackstone.

“We’re used to being the focal point, the meeting place, the forum where scholars and lawyers, government officials and visionaries can come together to discuss critical issues and try to shape solutions,” Treanor said.

The two-day conference had other Georgetown Law connections: U.S. Treasury Secretary Jack Lew (L’83) delivered Thursday’s opening plenary, entitled “Made in Rural America.” And Alfred J. Puchala (L’88) is the chief executive officer of Capitol Peak Asset Management, which will manage the new Opportunity Fund.

At a press conference following the lunch, Vilsack said that the Rural Opportunity Investment Conference was just “the beginning of a significant journey that we are all going to take. ... This conference is basically suggesting that what’s happening in Eastern Kentucky needs to happen all across the United States,” Vilsack said. “With the announcements that are being made today, with the symposia that will be conducted by Georgetown Law Center, with the ongoing work with the equity fund that was set up and announced several weeks ago, [and] the new farm bill programs that the governor and I have been talking about ... there are just a lot of reasons to be excited about the future.”



SAM HOLLENSHEAD

New Center on Privacy and Technology Announced

Government surveillance. Big data. Personal privacy. Georgetown Law’s new Center on Privacy and Technology, formally announced in July, will bring the institution’s legal expertise to bear on privacy debates in federal and state legislatures, regulatory agencies and the academy. It will also train Georgetown Law students to be leaders in privacy practice, policymaking and advocacy.

“We are in the midst of a debate about privacy that has the most profound importance, and the ways in which it is resolved will shape the most central aspects of our lives,” said Dean William M. Treanor. “The new Center on Privacy and Technology will ensure that our faculty and students stay at the forefront of that debate for years to come.”

Alvaro Bedoya, chief counsel to the Senate Judiciary Subcommittee on Privacy and to Sen. Al Franken (D-Minn.), will serve as the Center’s first executive director. The Center’s faculty directors will include Professors Julie Cohen, David Vladeck, Laura Donohue and Angela Campbell.

“For too many people, Big Data means Little Privacy,” said Mr. Bedoya. “The Center will be a leading voice in the debate to preserve privacy and civil liberties alongside rapidly advancing technology. I’ll be honored to lead it.”

“Alvaro is one of the nation’s leading experts on the intersection of privacy, law and technology. And he’s one of the most talented and hard working lawyers I’ve ever met. While I’m sad to see him leave my staff after five outstanding years of service to the people of Minnesota, I’m equally excited to see Georgetown’s Center on Privacy and Technology flourish under his leadership,” said Sen. Al Franken, chairman of the Senate Judiciary Subcommittee on Privacy, Technology and the Law.

Among the projects the Center intends to tackle are the impact of government surveillance on civil rights and economic justice, the implications of the growing use of “Big Data” techniques to make important decisions about individuals, and the privacy issues presented by breakthrough commercial technologies such as health apps, “wearables” and biometric authentication services. The Center will also offer a practicum course to teach students privacy law and basic technology tools while working on the Center’s projects.

The Center is funded by a generous grant from the Ford Foundation, the nation’s leading institutional donor for privacy-related initiatives.



BRENT FUTRELL

Dean William M. Treanor and Supreme Court Justice Elena Kagan at the inaugural Dean's Lecture.

Justice Kagan Headlines Inaugural Dean's Lecture

When now Supreme Court Justice Elena Kagan became the U.S. solicitor general in 2009, the popular Harvard Law dean had never actually argued before any appellate court, let alone the High Court. So how did she succeed in the job?

"I talked to pretty much every living solicitor general ... about how the office worked — a lot of different things that have nothing to do with actually arguing the cases, but that go into being a successful solicitor general," Kagan told Dean William M. Treanor at the inaugural Dean's Lecture to the Graduating Class on March 17 at Georgetown Law.

The SGs, Kagan said, also talked to her about arguing — a good thing, since her first attempt before the Court would be the *Citizens' United* campaign finance case. "Kind of a big argument," she said, to appreciative laughter.

The importance of listening, learning, working together and staying open to serendipitous good fortune were just a few of the tips that the Court's 112th justice had for the Class of 2014. In the hour-long conversation, Kagan shared some surprising insights about her own aspirations. She did not want to be a lawyer as a child, though her father was one. And, while she majored in history, she soon realized that the life of a historian was not for her: "I thought, I'll go to law school, I'll keep my options open, something will turn up."

As it turned out, she "loved every moment" of law school, even tax. "I liked thinking through really complicated problems, but I also liked the fact that it wasn't purely a puzzle and purely abstract, that there were ways that people could use the law to actually make a difference..." Kagan said. "I think I hoped to have a career where I could experience a lot of different things."

She said she was extremely lucky to have mentors like Judge Abner J. Mikvah and Justice Thurgood Marshall. (Kagan clerked for both.) "If you are not inspired... you are a little bit dead to the world," she said of Marshall. "It was a lesson in what law can accomplish."

In true Supreme Court fashion, Kagan ended the conversation by questioning Treanor. As it turns out, the deans share similar career philosophies — teamwork is critical, they said, and while goals are important, life doesn't always happen as planned. "The lawyers who are happy are the lawyers who find some way to accomplish something for people outside themselves," Kagan advised the graduates, "[and] the kind of work that you do, because it makes a difference in the world, is going to fill you with a sense of 'mission accomplished' during that day."



PHIL HUMNICKY

Supreme Court Justice Sonia Sotomayor speaks with Professor Eloise Pasachoff at Georgetown University's Bernstein Symposium in Gaston Hall.

Justice Sotomayor on “Life in the Law”

Just weeks after Supreme Court Justice Elena Kagan sat down with Dean William M. Treanor at Georgetown Law for the inaugural Dean's Lecture to the Graduating Class, her colleague on the Court, Justice Sonia Sotomayor, chatted with Professor Eloise Pasachoff about “Life in the Law” at Georgetown University's annual Bernstein Symposium.

Pasachoff, an education law expert and former Sotomayor law clerk from 2009 to 2010 — Sotomayor's first term on the Court — led the justice in a conversation April 2 regarding her first day on the job, the importance of public service, her life as a trial and appellate judge and how human relationships matter.

Sotomayor recalled how she was met personally on her first day by Justice John Paul Stevens, with whom she would spend one year on the Court. “So we are talking, and in walks Sandra Day O'Connor,” Sotomayor says of the first woman justice,

who had already retired from the Court at that point. “You have to understand, from the moment I had been nominated by the president ... it seemed to me as if I was watching myself go through these incredible things that were happening to me. ... This was yet again one of those continuing moments, where two icons of mine in the law walked in to say hello to me. That was the start of my morning.”

Sotomayor's own personal touches were apparent at the 90-minute event, where she not only took the time to answer student questions but provided each of the thousand guests in Gaston Hall with an autographed copy of her 2013 biography, *My Beloved World*. The first Latina and the third woman to serve on the Court, Sotomayor also visited the Law Center in March 2012, addressing first-year students on careers, values and the law.

What is the greatest obstacle to success, she was asked. Not reaching out to

others. “It's the fear of being embarrassed, of not asking for help when you don't know something,” said Sotomayor. “Asking for help is the most important thing you can do.”

Sotomayor was introduced by Georgetown University President John J. DeGioia as well as her former colleague and friend Judge Robert A. Katzmann, chief judge of the U.S. Court of Appeals for the 2nd Circuit and a member of Georgetown Law's Board of Visitors. (Pasachoff, by the way, also clerked for Katzmann.)

When asked about Sotomayor, Katzmann noted that he always says the same thing: “She's brilliant, principled, hardworking, determined, caring about others, generous and full of life. ... She is a judge's judge, a lawyer's lawyer.”



Professor Alvaro Santos, top left, and CTLS Director Scott Foster, bottom left, with Professor M. Gregg Bloche.

CTLS Conference Examines Health Care From a Global Perspective

Health care spending is not just a concern in the United States but around the world, as governments balance the desire for universal coverage with budgetary realities. A half-day conference sponsored by the Center for Transnational Legal Studies (CTLS) in London brought together experts from around the world to discuss “The Welfare State in Crisis: Health Spending v. Other Social Needs” in Georgetown Law’s Gewirz Student Center on June 19.

Professor M. Gregg Bloche, an academic co-director of CTLS for 2013-2014, noted that by 2011, medical spending as a percentage of gross domestic product had reached double digits in nine countries, with the United States leading the way. Yet anecdotal evidence shows that pouring money into high-end medical technologies may not have the best results.

“What’s remarkable to me is how similar these pressures are in different societies,” Bloche said, adding that the pressure can come from drug and medical device companies, doctors, hospitals and others who benefit financially. “But these players would not be so potent were it not for the primal appeal of rescue. We fear for ourselves and we fight for our loved ones when we or they are in dire circumstances.”

Panelists including University of Toronto Professors Trudo Lemmens and Kent Roach, University of Melbourne Professor Ann O’Connell and Maria Louisa Escobar of the World Bank Institute and the Brookings Institution explored such topics as how tax subsidies distort health spending; how drug and medical device companies contrive to keep adverse clinical trial data secret; and how countries are attempting to balance health care costs with other social needs.

“The most challenging part [of universal health coverage] is deciding what to give to people” — establishing priorities that everyone will accept, Escobar said. One hundred and fifteen countries now recognize a right to health in their constitutions.

Commentators included Professor from Practice Timothy Westmoreland; Adjunct Professor Diane Millman; the *Washington Post*’s Amy Goldstein; and Professor Julian Lopez-Murcia from Pontificia Universidad Javeriana Law School in Bogota, Colombia. CTLS Executive Director Scott Foster was also in attendance. The program was put on with the support of the O’Neill Institute for National and Global Health Law.

The Center for Transnational Legal Studies is a one-of-a-kind partnership between the faculty and students of Georgetown and 23 other law schools worldwide. It was launched in 2008.



RICK REINHARD

Professors Rosa Brooks and David Cole, left, host a conversation with Supreme Court Justice Stephen Breyer, right, and other legal luminaries.

Breyer, Others Speak on Human Rights

How far have humans progressed in the field of human rights — and what are the challenges for the future? Those were the questions posed by Georgetown Law Professors Rosa Brooks and David Cole to Supreme Court Justice Stephen Breyer, retired Chief Justice Margaret Marshall of the Massachusetts Supreme Court, Deputy Assistant Attorney General Pamela Karlan and other guests in an April 21st conversation at the Law Center.

In the United States, Cole noted, we don't talk much about international human rights, whereas in South Africa, for example, the Constitution expressly borrows from the International Covenant on Civil and Political Rights. To what extent does it matter that our country has a domestic rights tradition as opposed to an international one?

"If I were an ordinary citizen," said Breyer, "I would say, I don't care what

the source of the right is. I do care about whether I can say what I want. I do care about people not putting me in jail arbitrarily. I do care about having some kind of protection for unpopular ideas ... but I don't care about the source." Judges might think differently, he added, noting that in a constitutional question, he looks to the words of that document and to its amendments.

Brooks asked Karlan why the notion of civil rights seems easier to grasp in this country than international human rights. "Just as a historical accident, we stick with the language that brought us here," Karlan said, adding that we can't expect a federal court to give us a human right that's not in a constitution or statute.

Robert Silvers, editor of the *New York Review of Books*, provided introductions, along with Dean William M. Treanor and Professor from Practice Andrew Schoen-

holtz, director of the Human Rights Institute. The event celebrated not only the *Review* — co-founded by Silvers more than 50 years ago — but also the life of the late NYU Law Professor Ronald Dworkin, one of the *Review's* prolific contributors. Several panelists, including Cole and Breyer, have also written for the publication.

Panelists also discussed socioeconomic rights and the importance of the rule of law, as well as the concept of human rights as universal rights, ones that apply to everyone.

"I was told when I joined the Court, don't just talk to your contemporaries," Breyer noted. "Talk to your grandchildren, their friends, artists, movie makers, painters, writers. Because they will tell you what's going on — you won't know. And your job will be ... to take values that are universal and come from the past ... but apply them to this world."



Former FBI Director Robert Mueller at the Cybersecurity Law Institute.

Former FBI Director Mueller Speaks on Cybersecurity

News had just broken that the online marketplace eBay suffered a massive security breach when experts at Georgetown Law's second annual Cybersecurity Law Institute, held May 21-22 at the Law Center, sat down to help law firms and businesses understand and minimize similar risks.

"I don't think it's at all hopeless — any more than it would be hopeless to think that we needed to stop terrorist attacks," said former FBI Director Robert Mueller, as he discussed cybersecurity challenges in the 21st century with WilmerHale's Benjamin Powell. Yet if we were "playing one-dimensional chess before with terrorism," Mueller said later, "we're now playing three-dimensional chess with cyber."

Many participants, including Mueller, emphasized the importance of collaboration and cooperation, especially among law enforcement and the private sector. Suzanne Spaulding, undersecretary of the national protection and programs directorate at the Department of Homeland Security, noted that the private sector has traditionally been viewed as a victim not a collaborator. Security clearance rules need to be changed so that people have the information they need to protect themselves, she said.

Assistant Dean Larry Center and Dean William M. Treanor introduced the two-day event, in which participants explored risks, enforcement, enterprise security programs, cybersecurity frameworks and

the role of the general counsel. Simulated hypotheticals dealt with legal exposure in the aftermath of a breach, global incident management and cyber self-defense. What sorts of responses are legal? (Even the experts are divided.) When should general counsel be brought in to the discussion? (As soon as possible.)

As Nuala O'Connor (L'95), president and chief executive officer of the Center for Democracy and Technology, pointed out, the notion of driverless cars is exciting, but the day may come when a line of code tells all the cars to turn left. "If we are going to harness the possibility of living in an increasingly digital world ... we have got to be sure that those systems are secure."



BRENT FUTRELL

Former Sen. Jim Webb (L'75) speaks about inequities in the criminal justice system and the need for a National Criminal Justice Commission.

Former Sen. Jim Webb (L'75) Delivers Hart Lecture

“Fairness in our criminal justice system is one of the key ingredients of how we define ourselves as a society,” said former Sen. Jim Webb (L'75), D-Va., at the 34th annual Philip A. Hart Memorial Lecture on March 5. “If you look at [what governments] are supposed to do, they are supposed to protect the common good and they are also supposed to make sure that people are treated fairly.”

It's not often that a current or former politician would want to talk about the one that got away — meaning the piece of legislation that didn't succeed. But the 2013 bill to establish a National Criminal Justice Commission was so important to Webb that he wants to keep the conversation going.

Why do we need such a commission? Because the United States, with 5 percent of the world's population, has one quarter of its prison population, Webb said. Because African-Americans are disproportionately imprisoned, conditions are abysmal, inmates are subjected to violence and the formerly incarcerated aren't likely to find jobs when they get out — just to name a few reasons.

“What's the economic cost of mass incarceration in the United States?” queried Webb, who as a senator helped hold hearings on the issues. “What does it cost to keep them there? What does it cost in lost opportunities down the road? ... We had some incredible witnesses to come and testify about the impact on neighborhoods when you have a certain percentage of kids ... who are basically lost.”

The Hart Lecture, named for the late Sen. Philip A. Hart (C'34, H'70), is noted for speakers from the world of ideas and the world of action, Dean William M. Treanor said as he introduced Webb. “We're going to be hearing from someone who is both ... and he's one of our own.”

Webb, a Marine Corps veteran who was awarded the Navy Cross, the Silver Star, two Bronze Stars and two Purple Heart awards for his service in Vietnam, said he learned in the military how discipline and fairness are critical to functioning institutions and society. Webb, a Naval Academy graduate who later served as counsel to the House Committee on Veterans Affairs and then Secretary of the Navy, wrote, introduced and championed the Post-9/11 G.I. Bill. Student veterans benefiting from his vision were in attendance at the lecture.

As a former Emmy Award-winning journalist who traveled in Asia, Webb became the first American allowed to report from inside the Japanese prison system in the 1980s. “It was fascinating...[to see] the striking differences between the two systems — and how ours even at that time was failing in ways we should have not allowed it to fail,” he said, noting that in Japan, any sentence longer than three years was reserved for the worst of the worst. “They would tell me repeatedly, what happened to [your country]? We copied *your* system.”



Professor from Practice Andrew Schoenholtz, left, and other experts speak at the ninth annual Dash Conference.

Dash Conference Explores Downside of Development

Helping countries improve their economies is a good idea. Yet development banks sometimes fund projects that have a negative impact on human rights — from building power plants that destroy livelihoods to damming rivers that force the relocation of indigenous people. The relationship between human rights and multilateral development banks was the subject of the ninth annual Samuel Dash Conference on Human Rights on April 7.

In a keynote address, Victoria Tauli-Corpuz, the United Nations special rapporteur on indigenous peoples' rights, spoke of how, growing up in the Philippines in the late 60s, people in her village started hearing helicopters. It was the beginning of a hydroelectric dam project in the region. "Suddenly our elders were being arrested,

detained, some of them were tortured. ... We didn't know what to do. We never went to the U.N.; we didn't know what the U.N. was all about."

With the help of churches and other organizations, the issue was brought to the attention of the U.S. Congress, and the project, funded by the World Bank, was halted.

"It's about time to change the development paradigm that is really the very basis of the World Bank's existence ... [to] create a totally different paradigm that respects equality, promotes sustainability, that factors in the ecological and social cost into economic growth ... and that the bank will help champion," Tauli-Corpuz said.

Professor Edith Brown-Weiss, Professor Alvaro Santos and Dash/Muse Fellow

Ian Kysel (L'11) led panels on safeguards, oversight mechanisms and key factors influencing human rights in the work of multi-development banks. Professor from Practice Andrew Schoenholtz, director of Georgetown Law's Human Rights Institute, also welcomed attendees.

The Dash Conference, sponsored by the Human Rights Institute, was established in memory of the late Professor Samuel Dash to honor his contributions to international human rights and domestic civil rights. (This year, Dash's daughters, Judy and Rachel, were in attendance.) "We honor his contributions to this school, and to the field of human rights," said Dean William M. Treanor. "I ask [alumni] who was their favorite faculty member, and the name I hear again and again is Sam Dash."



José Manuel Barroso (H'06)

PRESIDENT OF THE EUROPEAN COMMISSION SPEAKS AT INTERNATIONAL EVENT

Georgetown Law is truly a global institution — and that was evident as José Manuel Barroso (H'06), president of the European Commission, addressed alumni and guests at the Law Center's International Trade Program in Brussels, Belgium, on May 22.

Barroso shared his thoughts about law and politics in the European Union. "Putting together 28 countries, sharing a common legal framework, I believe [is] the most interesting experience ever in terms of transnational cooperation," said Barroso, who spent two years as a visiting professor in Georgetown University's department of government and School of Foreign Service. "It's unparalleled in human history, the experience of European integration ... what it can bring to law and [how] it has benefited from being a community based on law."

Following Barroso's keynote address at the Bibliothèque Solvay in Brussels, Professor Nan Hunter, associate dean for graduate programs, and Professor James Feinerman, associate dean for transnational programs, led attendees in panel discussions on World Trade Organization dispute resolution and issues facing the Transatlantic Trade and Investment Partnership.

The day concluded with a reception hosted by Max Jadot (L'81), CEO of BNP Paribas Fortis. The European Law Alumni Board sponsored the program.



FTC Chairwoman Edith Ramirez and consumer advocate Ralph Nader.



INES HILDE

Ramirez and Nader on Making the Fine Print Fair

"[The law of] contracts is cannibalizing tort law, and tort law has been shredded, and they are very much interrelated," said consumer advocate Ralph Nader, describing in an impassioned speech how consumers are being subordinated "into a state of contract servitude" by signing away their rights. "Because there is so little resistance, the rampages are increasing."

Nader appeared at "Making the Fine Print Fair," an April 4th symposium sponsored by the Georgetown Consumer Law Society and Citizen Works. To stop the rampage, Nader called for a number of reforms — from banning abusive provisions to changing the way contracts are taught in law school.

Additional solutions were presented by Federal Trade Commission Chairwoman Edith Ramirez, who delivered a morning keynote, as well as by Professor David Vladeck, former director of the FTC's Bureau of Consumer Protection; Visiting Professor Cathy Mansfield; Meredith Fuchs, general counsel of the Consumer Protection Bureau; Deepak Gupta (L'02) and others. Associate Dean Gregory Klass and Bradley Girard (L'14) opened the conference, and Klass and Professor Adam Levitin were among the moderators.

St. John's University Law Professor Jeff Sovern described how on April 1, 2010, a British software company hid an interesting clause in its online fine print. Before placing an order, customers could click on the usual box stating "I accept," which included an agreement to transfer to the company "now and for evermore, your immortal soul." Consumerist.com later reported that 88 percent of those who ordered that day (7,500 people) had not bothered to read the details.

Vladeck noted that consumers often have no chance to examine a contract before they are asked to sign it. "It's very difficult to fault the consumer for not reading the contract when it isn't presented to them prior to contract formation," he said. Vladeck also introduced Ramirez, noting the chairwoman's "incredible passion" for consumer protection.

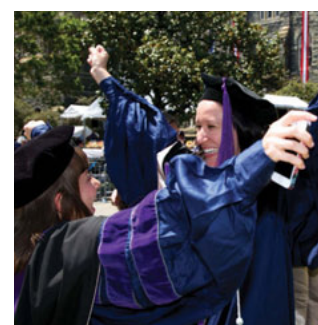
"[These issues] are the ones that we at the FTC really live through day in and day out," Ramirez said. "Deception by fine print remains a common denominator among many of our defendants."

The *Georgetown Journal on Poverty Law and Policy*, the Georgetown Law chapter of the ACLU and the Georgetown National Lawyers Guild co-sponsored the event.

GRADUATION 2014

On Sunday, May 18, more than 1,000 LL.M., J.D. and S.J.D. students donned academic robes — and Hoya-blue sunglasses — to accept their diplomas as graduates of Georgetown University Law Center. “Never forget the role this great institution has played in your development,” said commencement speaker and honorary degree recipient Kenneth R. Feinberg, the Law Center adjunct professor who has been called on to resolve some of the nation’s most challenging disputes, serving as the special master of the federal September 11th Victim Compensation Fund of 2001, among other things. Joan M. Biskupic (L’93), a journalist who has covered the U.S. Supreme Court since 1989, also received an honorary degree. Excerpts from Feinberg’s prepared remarks follow:





I am relieved that [Professor] Paul [Rothstein] did not refer to me as a “model” public citizen. A few years ago, while resolving BP oil spill claims in Louisiana, a local politician introduced me as “a model public citizen.” A fisherman in the back row of the hall grabbed the microphone and stated: “Well we certainly agree with you that Feinberg is a ‘model.’ You know what a ‘model’ is? A small replica of the real thing!” That meeting quickly deteriorated into chaos.

It is a particular honor for me to be speaking to this graduating class and receiving this honorary degree. My relationship to this great law school goes back over 35 years and is attributable to just one man

— the former dean of Georgetown Law, Robert Pitofsky.

It was Bob Pitofsky who brought me here as an adjunct professor in 1978 while I was working for Senator Kennedy on the Senate Judiciary Committee. I had been a student researcher for Bob while attending NYU Law School, and he urged me to teach here at about the time he became dean. From the days I was a law student, Bob Pitofsky has been both mentor and friend. He has been a most trusted adviser. I will always be in his debt. And this law school — in the first rank of law schools in our nation — owes Bob a debt of gratitude as well for his vision and leadership. We salute you!

I know the first lesson of an effective commencement speaker — be brief. After three years of toil and labor at Georgetown, you do not need to hear platitudes and homilies about life, responsibility and commitment. What you really want is freedom, and after a few words that provide ample consideration for my honorary degree, you will have it!

Just three summary points in the next few minutes:

First, never forget the role this great institution has played in your development both as individuals and soon-to-be successful lawyers. I think that the closer we are to this law school, the less we appreciate its national impact. Whether I am in Boston,

Opposite center right: Dean William M. Treanor, honorary degree recipients Joan M. Biskupic and Kenneth R. Feinberg (commencement speaker) with Georgetown University President John J. DeGioia.

GRADUATION 2014

New Orleans, New York or now Detroit, a day rarely passes when I do not hear about the impact, strength and reputation of this law school. Over the past decades, it has evolved from a first-rate regional law school to a national institution, respected, admired and praised throughout the nation.

As the latest graduates of Georgetown, you have an obligation to support this school and all it represents. To promote its superior standing, it needs strong and vibrant alumni. You graduates should be ready to serve the law school that has served you so well.

Second, do not rely upon your school transcript or class standing to plan your long-term future. Beware of the tendency of law students everywhere to think too much like lawyers in deciding *today* what you will do *tomorrow*. Life does not work this way. If I have learned anything over the past 35 years in compensating the innocent victims of tragedy, it is that life has a way of altering the most carefully thought out plans. Brace yourself for the unpredictable.

Where is it written that life is fair? It is not. Go with your heart's desire. Travel the road that today offers you happiness and professional fulfillment. Don't dwell on what tomorrow will bring. Keep your eye on today's prize. With your Georgetown degree safely in hand, you will find future opportunities that diverge dramatically from the current plan.

Third, a word about public service and serving the public interest. It is altogether fitting, as we honor the 50th anniversary of the administration of President John F. Kennedy, that we reinforce the importance of public service and giving back to the community. It is difficult for you graduates to appreciate fully the impact of President Kennedy on our nation. He believed, as I do, that every single individual can make a difference in our own communities.

He also believed in the "communitarian ethic," the idea that no matter what our chosen profession or our individual way of life we have an obligation to help our fellow citizens and our community.

And the word "community" is written large. Yes, it might be public service or public interest law. But the idea goes well beyond that of obvious interest to law school graduates. It also means working to reinforce those social institutions so critical to a vibrant, healthy society — family, schools, the church, civic engagement. This is the social and political glue that holds our society together and promotes national cohesion and identity.

I have witnessed firsthand how we as a nation come together as one in times of national tragedy — September 11, the Virginia Tech, Colorado and Sandy Hook shootings, the BP oil spill and the Boston Marathon bombings. After these and other similar horrors, we circle the wagons, lock arms and demonstrate to the world that we are one — ready to help the victims, their families and the community. "There but for fortune" drives us to respond together.

How we bring this sense of community to our daily lives in solving our current national and international problems is a challenge of our time. It should not take a national tragedy to reinvigorate and reinforce our sense of community.

How frustrating it is today to witness the absence of political bipartisanship in promoting the "communitarian ethic." What happened to President Kennedy's call to arms, demanding that each and every citizen "make a difference" in advancing community-wide priorities?

Today, all too many elected officials scoff at the role of government and criticize the communitarian ethic. I reject this criticism — and you should as well.

President Kennedy's message resounds whether you choose a career in private practice, business, education, medicine or countless other means of self-fulfillment. There is nothing inconsistent with personal growth and giving back to the community. They go hand in glove.

You graduates will hopefully pick up where President Kennedy left off and, 50 years later, bring new meaning to his words in living your daily lives.

One more personal conclusion: It is often difficult to understand how the practice of law can make for a fulfilling life. All too often we are viewed by our critics as toiling in a profession characterized as dry and technical, lacking in heart. We are viewed as hungry for clients. We become involved in sordid and mannerless conflicts that demonstrate the worst aspects of the human condition.

But there is another, better description of the pride we take in our profession. Always remember, and keep on your desk, the words of Supreme Court Justice Oliver Wendell Holmes when he spoke long ago to Harvard Law School graduates. His words ring as true today: "To those who believe with me that not the least godlike of man's activities is the large survey of causes, that to know is not less than to feel, I say — and I say no longer with any doubt — that you law graduates may live greatly in the law as well as elsewhere; that there as well as elsewhere you may wreak yourself upon life, may drink the bitter cup of heroism, may wear your heart out after the unattainable."

Graduates of Georgetown University Law Center Class of 2014, go out and live greatly in the law. Congratulations!

From the Files of
Res Ipsa Loquitur



GEORGETOWN LAW ARCHIVES

One Hundred and Twenty Years Ago ... In 1894 ...

Georgetown Law's debate team participated in a series of three debates with Columbian College Law School (now George Washington School of Law). The third-round topic was on the annexation of Hawaii and the contest was held in front of a capacity crowd. It was a raucous atmosphere with collegiate flags flying and boisterous chants of "hoya, hoy," according to reports in *The First 125 Years*. When it was announced that Georgetown won,

said the *Washington Post*, "perfect pandemonium reigned for several minutes. As each member of the victorious trio appeared he was hoisted on the shoulders of his friends and carried triumphantly away. Later a procession was formed, and they marched about making the night hideous with their yells, while the defeated teams took their floral emblems and marched mournfully home."

Above: A photo of Georgetown Law faculty and students in 1892, two years before the debates. Photo courtesy Law Center Archives



GABRIEL BELTRAN/CORBIS



Educating the Next Generation of Environmental Lawyers

By Ann W. Parks



Educating the Next Generation of Environmental Lawyers



BRENT FUTRELL; ERIC VANCE

Distinguished Visitor from Practice John Podesta (L'76). EPA Administrator Gina McCarthy with Professor from Practice Vicki Arroyo (L'94).

On June 2, when Environmental Protection Agency Administrator Gina McCarthy unveiled the Obama Administration's proposal to reduce carbon emissions from U.S. power plants, the Georgetown Climate Center was ready. Just days earlier, the Center had launched an updated version of its online state energy analysis tool, giving users the ability to compare energy and carbon pollution data across multiple states. Users could explore the degree to which carbon pollution has changed in each state since 2005 — the level from which carbon emissions must be slashed 30 percent by 2030.

But the timely launch of the online tool was simply the icing on the cake. Climate Center Executive Director and Professor from Practice Vicki Arroyo (L'94) and Associate Gabriel Pacyniak (L'10) had not even returned from McCarthy's official announcement at the Environmental Protection Agency headquarters before they were approached by senior EPA staff letting them know how much their climate-change work with the states had been discussed and cited while the proposal was being created. In the days that followed, the Georgetown Climate Center shone in a national spotlight, helping reporters and editors make sense of the 645-page proposal and helping the states (which need to comment and implement the rule) understand what it all means for them.

As Georgetown Law ramps up its top-notch environmental law program — with a new LL.M., additions to the faculty, two clinics, the Climate Center and plenty of real-world opportunities — happenings like these are becoming almost routine. Twelve months earlier, for instance, President Barack Obama unveiled his Climate Action Plan at Georgetown University the same week that state and federal officials and power companies

convened at the Law Center to discuss efforts to reduce carbon pollution from power plants. Another workshop followed in October, featuring Administrator McCarthy. And in December, with the Climate Center facilitating, 15 states signed a letter to the EPA with recommendations for carbon pollution standards for existing power plants.

Of course, these recent plans and proposals could not have existed but for the Supreme Court's 2007 holding in *Massachusetts v. EPA*, which made it obligatory for the EPA to regulate greenhouse gases. Professor Lisa Heinzerling was the lead author of the winning brief. "It had a huge effect on the climate change regime, in fact arguably led to the climate change regime in domestic law," Heinzerling said on June 5, recalling the 2007 case. "We wouldn't be talking about the rules this week without *Massachusetts v. EPA*."

Georgetown Law's expertise in environmental law is noteworthy in other ways, too. Many minds are coming together to create an outstanding experience for students. In addition to Arroyo and Heinzerling, Professors Hope Babcock, Edith Brown Weiss, Peter Byrne, Robert Stumberg, William Buzbee (newly arrived from Emory University) and Visiting Professor Sheila Foster are doing stellar work in environmental, regulatory and related fields while designing a world-class curriculum. Alumni are also distinguishing themselves: White House Counselor and Georgetown Law Distinguished Visitor from Practice John Podesta (L'76) — dubbed "the man behind President Obama's new environmental push" by the *Washington Post* — has been tasked with coordinating activities on climate change and energy. Other alums are collaborating with the Climate Center to further state and regional environmental projects, counseling



Professor Lisa Heinzerling

business clients on what to expect, making meaningful connections with students and helping celebrate the launch of Georgetown Law's new LL.M. program. Some have come back to teach as environmental law adjuncts, designing courses ranging from environmental dispute resolution to a renewable energy seminar. Meanwhile, students in the Institute for Public Representation have been working on environmental litigation while contributing to the *Georgetown International Environmental Law Review (GIELR)* and a robust Environmental Law Society.

Fingerprints and Footprints

Following the June 2nd announcement by the EPA, the Georgetown Climate Center appeared in more than 30 television, radio, newspaper and blog stories about the proposed rule. A June 6th *New York Times* front page article not only linked to the Climate Center's home page but made use of its interactive map, showing changes in pollution in the power sector. Climate Center staff helped explain aspects of the rule and state targets to reporters while connecting the media to officials in states from Massachusetts to Arkansas, to discuss their take on the proposal.

"All [of the 30] were stories where we were either cited because we had this new state energy analysis tool or we were quoted because of our work with the states, but in just as many stories we helped behind the scenes, helped people craft everything from editorials to op-eds to TV and radio broadcasts framing what it meant," Arroyo says.

While a direct link to the Climate Center from the front page of the *New York Times* is heady stuff, the Center's fingerprints could also be seen in the stories themselves — which often went deeper than dire predictions on the death of coal. "A lot of the editors or writers came into this saying this rule is

clearly going to harm the coal states, but when they look at the numbers carefully with our help and they talk to some of these people, the message gets moderated," Arroyo says.

And while there will be challenges, the proposal's approach (which builds on state programs) reflects the work of the Center and the input of the states and the power companies that have already been at the table in a proactive way. As an illustration of how the states are already working to reduce carbon emissions, a Climate Center report, issued in December, outlined state and company successes in the power sector, including coal-producing Kentucky in addition to Maryland and New York, two of the nine members of the Regional Greenhouse Gas Initiative.

"EPA really did listen and that's the message that we are getting from a lot of the states, even states that aren't thrilled about the rule," Arroyo says. "They may not agree with the target that EPA set for that state and some of them for partisan reasons or just ideological reasons might not want EPA to proceed, but they can't say that at a high level EPA didn't listen to the input about the form of the proposal and building on state efficiency and renewable energy programs."

Gabriel Maser (L'13), an associate at Baker Botts whose practice focuses on litigation and regulatory compliance relating to air and environmental remediation issues, sees varying reactions to the proposed rules. "As opposed to setting forth guidelines for states, it's sort of prescribing to states, this is what you have to do and how you are going to do it," he explains. "In the way that they calculate the performance goals for states ... performance goals [are] more stringent for states because of their prior work on energy efficiency or renewable energy, and so that's an area of concern for a number of folks — you're penalized in a way for having taken early action."



Educating the Next Generation of Environmental Lawyers



Jonas Monast (L'02)



Professor Peter Byrne

JONAS MONAST, SAM HOLLENSHEAD

Going Green

Other alumni have been awaiting the June 2nd proposal, if not actively involved in it. “The EPA’s newly announced regulations will prevent our country’s largest carbon polluters — coal burning power plants — from polluting our air with impunity,” Deborah Markowitz (L’87), the secretary of the Vermont Agency of Natural Resources, wrote June 5 on the state’s website. Markowitz disputed the argument that the new rules would raise energy prices and cost jobs. “While there will be short-term job losses in states whose economies rely on fossil fuel production and energy use, these losses will be offset by the new jobs created in the clean energy sector,” she added, noting that other states can learn from the experience of Vermont, which reportedly leads the nation in green jobs and has the second lowest unemployment rate in the nation.

Markowitz and Podesta have both claimed that Americans will be healthier as a result of the new proposal. “There are huge public health benefits that will come from this rule,” Podesta told reporters at a June 6th *Christian Science Monitor* breakfast broadcast on C-SPAN. “More than 130,000 asthma attacks amongst children avoided, 2,800 heart attacks avoided, 2,700 to 6,600 premature deaths [and] more than 1,800 visits to hospitals for cardiovascular and respiratory illnesses avoided, [and] 310,000 lost workdays.”

Back at Georgetown Law, Professors Heinzerling and Buzbee have also worked with the Climate Center to lend their thoughts on the proposal and to understand the implications for states. And Climate Center Associate Lissa Lynch (L’13) has been working with Pacyniak to support the states in thinking through how to implement the rule once it becomes final. “Everyone is digesting what the rule will mean for them, but there is a general

interest in supporting the rule going forward, trying to help EPA in their comments to make what comes out of the final rule be strong and meaningful,” Lynch says.

Jonas Monast (L’02) has been collaborating with the staff of the Georgetown Climate Center as the director of the Climate and Energy Program at Duke University’s Nicholas Institute for Environmental Policy Solutions. “Many of us have been trying for quite some time to identify economically and politically viable options to address the challenge of climate change,” he says. Over the past four years, my colleagues and I have been working with the Climate Center, working with a number of other stakeholders, and working with EPA to explore how can you thread that needle using the Clean Air Act — which was enacted initially in 1970, long before climate change became a pressing environmental challenge.”

Arroyo says that Monast has been doing a “terrific job” of briefing people and getting them around the table on the carbon issue. “We have been sort of a national convenor out of Washington, while they have conducted regional convenings in the Southeast and in the manufacturing states,” Arroyo explains.

As a student, Lynch gained litigation experience through Babcock’s IPR clinic, worked on *GIELR* and served as president of the Environmental Law Society. Monast, meanwhile, participated in the alternate first-year curriculum of Section 3, where Professor Lisa Heinzerling would bring her work on environmental issues into the classroom years before *Massachusetts v. EPA*. “The Section 3 curriculum recognizes that the practice of law is changing,” Monast notes. “To be an effective environmental lawyer, you first need to become a good, well-rounded lawyer and understand how the law interacts with society.”



Professor Hope Babcock with students.

Global Commons

Like many students over the past decades, Lynch and Monast chose Georgetown Law for its strong environmental law faculty. It's an expertise that's been steadily building for more than 35 years. Brown Weiss joined the faculty in 1978 and was the only full-time faculty member in environmental law when Professor Peter Byrne arrived here in 1985. "Edie is the absolute dean of the international law faculty in the United States and has been honored all over the world," Byrne says.

When *Georgetown Law* caught up with Brown Weiss in June, she had just returned from a multidisciplinary symposium on sustainable humanity at the Vatican. (Pope Francis is making sustainability a priority, too.) Brown Weiss is widely known as the author of the intergenerational equity principle of environmental law — that we hold the planet in trust with past, present and future generations. The concept was first developed in her 1989 book *In Fairness to Future Generations*; in 2013, the U.N. Secretary General's office issued a paper citing Brown Weiss's work. The book and its principles have also been used by the Supreme Court of India, the High Court of Kenya and more.

"We can conserve our resources for our descendants only by conserving the environment in which we live," Brown Weiss declared in her Vatican presentation in May. "This in turn means that we need to assist the impoverished parts of our community. ... [A]ddressing the severe problems of poverty and inequality, especially within countries, is part of the intergenerational equity."

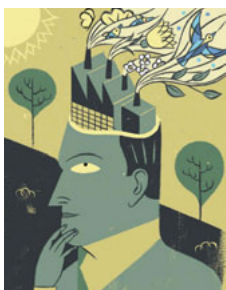
In 1991, Professor Hope Babcock was hired to run the Institute for Public Representation's environmental law clinic, one of the first in the nation. Babcock got her start working

with utilities on environmental reports under the National Environmental Policy Act, did energy and minerals work for the Carter Administration and was general counsel for the National Audubon Society before landing at Georgetown.

Heinzerling followed in 1993, followed by Richard Lazarus in 1996. (Lazarus has since joined the faculty of Harvard Law.) "Suddenly, there was a core faculty," Babcock recalls. "We got together, we liked each other, we decided we would design a curriculum for the field: Here are the core courses, here are the peripheral but still important courses. ... We vetted all the adjunct proposals that came in and we rotated the courses among ourselves so each of us would teach a core course for a couple of years — and then do one of the ancillary courses like Advanced Environmental Law."

Babcock presently teaches Natural Resources Law while continuing to run the environmental division of the Institute for Public Representation clinic. Former students who've been through the clinic say it's a great way to get real experience with litigation. "You have at the end of the day a document that's going out with Hope Babcock's signature on it, so she's not going to let it be substandard," Lynch says. "There's support and learning that gives you the experience in a safe and very productive learning environment before you are thrown out in the world."

This past year, the Supreme Court considered the case of *Utility Air Regulatory Group v. EPA*, a challenge to a specific set of rules promulgated by the EPA in its attempt to regulate greenhouse gases since the 2007 *Massachusetts v. EPA* decision. The IPR clinic filed an amicus brief in the case on behalf of the American Thoracic Society, urging the Court not to undermine the EPA's authority to regulate major stationary sources of greenhouse gas emissions.



Educating the Next Generation of Environmental Lawyers

The Students' View

Environmental law, of course, is an issue for all generations. Among those hearing Markowitz's words at the launch party was one of the first students to enter the new program. Already familiar with Georgetown (he earned an LL.M. in international and comparative law in 1999), John McDonald spent decades representing energy (oil and gas) companies in private practice before deciding to apply as a full-time environmental LL.M. student. He will graduate in the spring.

By June, McDonald had signed up for courses in environmental law, international environmental law, energy markets and more. And while he's done regulatory work, the environmental law courses will be new. "I've been working all this time with the energy industry, so the issues that interest me the most involve environmental laws and regulations that deal with the problems arising from the exploration, production and transportation of oil, gas and coal," he said.

Is McDonald going over to the green side now? "I'm not in the category of people who believe that everyone who works in the energy industry is evil ... but I've represented the industry long enough to believe that you need to have regulation. After all my years as an energy regulatory lawyer, what I want to do with the LL.M. in environmental law is to return to something that's more public-service oriented, certainly public-sector oriented, and still take advantage of my experience and understanding of the energy industry."

Brett Paben, who has been a practicing environmental attorney for 14 years and a visiting professor at Texas Tech, is also a member of the first LL.M. class. He chose the new environmental law LL.M. to enhance his credentials with an eye on teaching and/or other climate change work.

"Things have changed a lot since I went to law school and energy and climate issues weren't really prevalent ...," he says. "It's an opportunity to get up to speed."



Professor Edith Brown Weiss

SAM HOLLENHEAD

Though the Court in its June 22nd decision did limit the EPA's authority in that case, it nevertheless recognized the agency's ability to regulate greenhouse gases — and the clinic students got some valuable experience. The environmental division of the IPR clinic is one of two environmental clinics at Georgetown Law. The Harrison Institute for Public Law, directed by Professor Robert Stumberg, works with the Georgetown Climate Center on climate policy projects including adaptation to sea level rise, urban heat and rainfall; IPR, meanwhile, covers the litigation side. "What normally happens in the cases is the students play a leading role," says Babcock (who also gives much credit to her clinic fellows). "They are not only on the front lines of doing the basic research, but then they play a key role in developing the litigation strategy and writing the brief."

Creating a Green Giant

Since the historic decision of *Massachusetts v. EPA* — covered extensively in the Spring/Summer 2007 issue of *Georgetown Law* — the Law Center's strength in environmental law has continued to flourish. The Climate Center launched in 2008, with Arroyo coming on board as executive director and Peter Byrne as faculty director.

Byrne, who also serves as associate dean of the J.D. program, has long been interested in land use and constitutional property rights from an environmental perspective and has served as the director of the Georgetown Environmental Law and Policy Institute. The Georgetown Climate Center (the

“A lot of the attention now is on climate, one because it’s the most important environmental issue, and two, there’s stuff happening that’s new and exciting and creative and I think that attracts both faculty and students.”

Professor Lisa Heinzerling

programs of which are supported through external grants and donations) continues to focus on adaptation and transportation in addition to climate change mitigation, and Byrne has been working with Climate Center staff members Jessica Grannis (LL.M.’13) and Annie Bennett (L’13) on a webinar for local governments on adaptation and takings. He’s also working on a paper with Kate Zyla (L’14), the deputy director of the Climate Center, on last year’s Supreme Court decision in *Koontz v. St. John’s River Water Management District*.

His various roles “set me thinking about the ways in which land use regulation can address climate, both in terms of reducing emissions and also adapting to changes that occur, particularly sea-level rise,” explains Byrne, whose scholarship continues to be shaped by his work with the Climate Center. “There are a variety of types of regulatory initiatives that one might imagine being taken to cope with sea-level rise and they raise different kinds of takings problems.”

Heinzerling — the Climate Center’s first faculty director — took a leave of absence from Georgetown Law during 2009-2010 to serve as senior climate policy counsel to the administrator of the Environmental Protection Agency and associate administrator of EPA’s Office of Policy. While it took her away from the Law Center for several years, the experience profoundly influenced her teaching. “I wouldn’t talk about agencies in the same way if I hadn’t actually worked in [one],” she says.

Agencies are not monolithic, she notes; they differ from each other and even within one agency different offices can have different cultures. “I saw in government how carefully an agency goes about developing policy; rules of the EPA emerge from a years’ long process of development,” she says.

And it’s an exciting time in environmental law. “The environmental statutes haven’t been amended in any meaningful way for many years ... but there’s been a lot of activity at the administrative agency level and the recent carbon standards are one example of this,” Heinzerling explains. “A lot of the attention now is on climate, one because it’s the most important environmental issue, and two, there’s stuff happening that’s new and exciting and creative and I think that attracts both faculty and students, both to the field and then to that particular area where there’s change happening.”

Babcock, too, says that the “environmental literacy” of students has gone up. Students continue to shape the environmental law landscape at Georgetown Law, through participation in the Environmental Law Society or service on *GIELR*, with Brown Weiss as faculty adviser. “There are students coming in with a strong background in science, there are students that are coming in having done field work, and the externship program is sending students to class that have been at EPA,” Babcock says, noting that whereas it used to be the graduate student in the class who tried to correct the professor, “Now I’ve got [J.D. students] saying, ‘Professor Babcock, what we did at EPA was this,’ because they spent a summer there or a semester there. That says to me that the level of commitment to environmental law by these students is extremely high.”

Looking on the Green Side

On April 7, Georgetown Law officially launched its new environmental LL.M. program, which has developed “organically” from the core faculty, says Professor Nan Hunter, associate dean of graduate programs.

“The environmental LL.M. is a paradigm example of how the LL.M. program should work, because it builds on Georgetown’s world-class faculty, the Climate Center, the international environmental law journal and other components of an incredibly rich program in the field,” Hunter says.

Byrne notes that the LL.M. program will bring outstanding people from around the world to Georgetown to study international law and international environmental law. It has already helped to foster an enhanced curriculum, attract notable speakers and encourage connections among alumni and students.

Launch Day featured a panel discussion with Arroyo, Heinzerling, Buzbee and alum Markowitz on the making of state and federal climate policy. Buzbee explored ideal federal policy and why it makes sense to retain a role for the states. “We need to be optimistic about climate regulation,” he said, “but the only



Educating the Next Generation of Environmental Lawyers

A Practitioner's View

When Willkie Farr & Gallagher's William L. Thomas (L'89) attended Georgetown Law in the 1980s, the school had Professor Edith Brown Weiss, the *Georgetown International Environmental Law Review* and several top-notch adjuncts — but it did not have a domestic environmental law anchor, he says. Nevertheless, his interest was sparked by early exposure in private practice, and this D.C.-based lawyer gradually distinguished himself through his work on international issues, transactional matters and projects.

And while many of the major underlying statutes have been on the books for a long time, the practice of environmental law is anything but static. "If you're not the sort of practitioner who wants to keep learning, then you are probably not well-suited to this field," says Thomas, who might be confronted (in practice) with an Alameda, California, whipsnake one day or a threatened mollusk the next. "Each deal, project or product line presents its own environmental risks and opportunities," he says.

Because as an environmental lawyer these days, he needs to recognize the opportunities as well as the risks. "The greenest of the green need to understand that there are potential pitfalls and they'll need to avoid them, and those with their heads in the sand saying all we have to do is avoid the environmental rainy day situation are going to be losing out too, because there's increasing environmental opportunity, and if your company is competing globally, then obviously this whole notion of sustainability and how environmental law fits within sustainability, that's something that those companies need to understand."



Professor William Buzbee and Deborah Markowitz (L'87), Secretary of the Vermont Agency of Natural Resources.

BRENT FUTRELL

way climate regulation is going to work is if you actually are realistically pessimistic — that this will be an area of ongoing contestation and regulatory war for a long time, as it is right now." Buzbee recently published a book on the subject — *Fighting Westway: Environmental Law, Citizen Activism, and the Regulatory War that Transformed New York City* (Cornell University Press, 2014) — and is teaching the Art of Regulatory War seminar this fall. "Be optimistic about the policy, but anticipate that this is an area where there is not going to be any near-term surrender of people opposed to stringent regulation of greenhouse gas emissions."

At the launch party for the environmental LL.M. that followed, Markowitz shared thoughts on her own Georgetown education and the link to her present career. "There was a lot about our obligation to give back and make the world a better place, and that really launched me into what I'm doing now," she told the crowd. "There's nothing more important when we are thinking about making the world a better place than looking at the laws and policies that are necessary to save the world — not just make it a better place, but save the planet. So for those of you who are students here, thinking about environmental law ... there is nothing more important today. This is the issue of your generation. The issue of the time is climate change and all the environmental issues that come out of it."

Opportunities

And professors are gearing up, with expanded, cutting-edge course offerings that draw on the talents of the full-time faculty and adjuncts alike. Adjunct Professor Sara Colangelo (L'07), a trial attorney for the Environmental Enforcement

“So for those of you who are students here ... [t]his is the issue of your generation. The issue of the time is climate change and all the environmental issues that come out of it.”

Deborah Markowitz (L’87), Secretary of the Vermont Agency of Natural Resources

Section of the Environment and Natural Resources Division at the Department of Justice, used last year’s government furlough as an opportunity to design a new environmental dispute resolution seminar for the students at Georgetown Law. The class will track a fictional environmental law dispute from client counseling to negotiation to litigation to court-ordered mediation, and students will have the opportunity to play the role of different types of environmental law attorneys, Colangelo explains. At the same time, students have an opportunity to produce “a fabulous writing sample,” she says. “It will be environmental-law oriented but they could take that to any job.”

While Colangelo’s dispute resolution seminar, Heinzerling’s Food Law Seminar, Buzbee’s class on regulatory war, a new Energy and Environment Seminar on Hydraulic Fracturing (taught by Robert Sussman, a former deputy EPA administrator) and a new environmental justice seminar (taught by Sheila Foster, a visiting professor) are all J.D. courses, they are also highlights of the environmental law LL.M. program. A required LL.M. seminar in environmental lawyering, meanwhile, will be led by Arroyo, who also serves as the Environmental Law and Policy program director. “The idea is to introduce students to each of our tremendous faculty through their work on administrative law (Heinzerling), litigation (Babcock), international (Brown Weiss), land use (Byrne) and federalism (Buzbee),” Arroyo says.

The LL.M. degree will also require an externship or practicum course such as Arroyo and Pacyniak’s Advanced Environmental Law: Climate Change, which provides hands-on experience working with states and communities on legal and policy questions. “This is really important, because firms, agencies and other employers want to know that our law grads can really hit the ground running when they come out with a degree, whether it be a J.D. or an LL.M.” Arroyo adds.

Adjunct Professor Michael B. Cummings (L’06) will co-teach the Renewable Energy Seminar. It’s a class that teaches students “how you actually do deals on the ground,” Arroyo says.

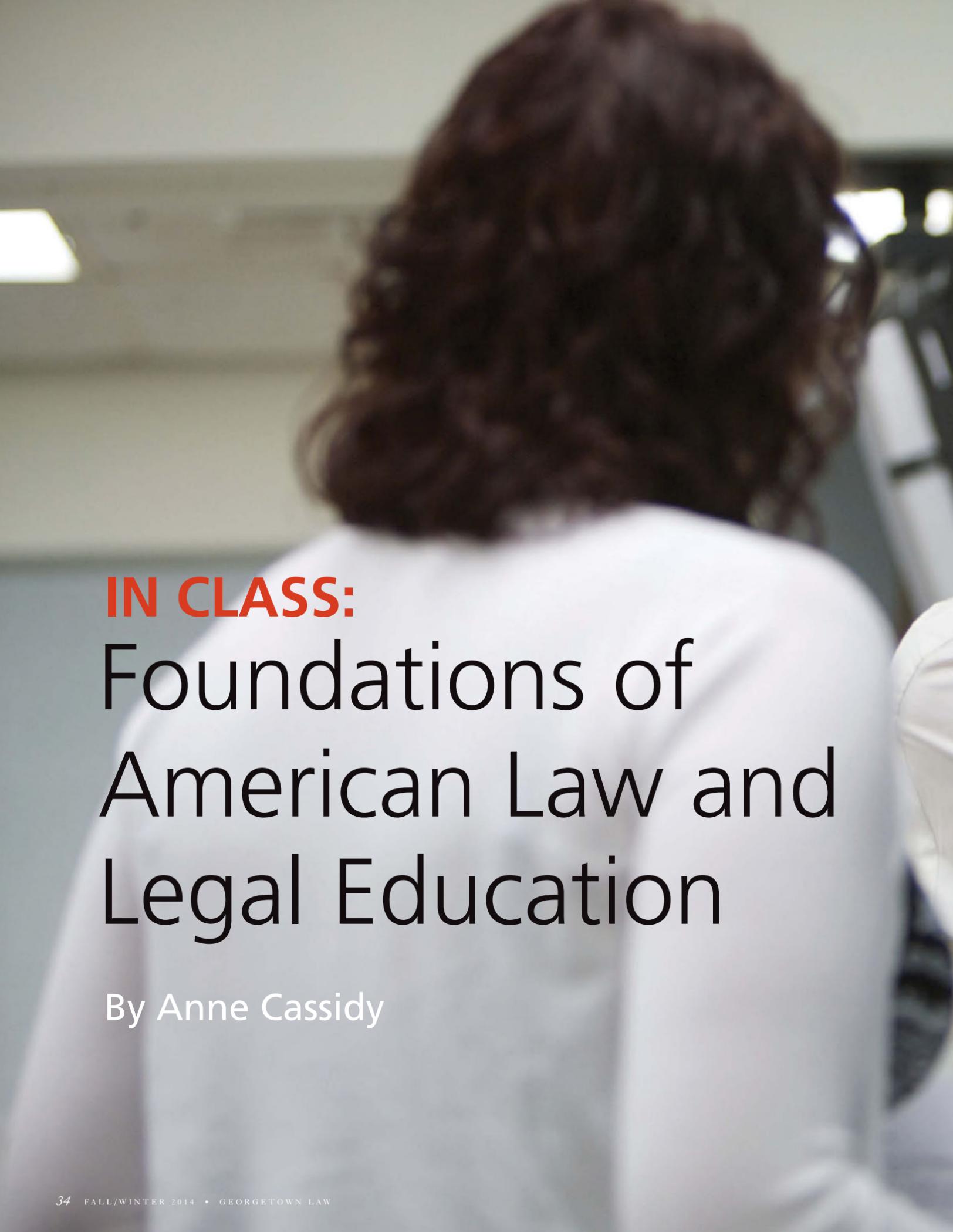
Unmatched

And alums in the field will be watching as — more than ever before — they engage and connect with the Climate Center, the clinics, the students and each other. People like Martha Rudolph (L’80), of Colorado’s Department of Public Health and Environment, or Frank Murray (F’72, L’75) of the Alliance to Save Energy, formerly president of the New York State Energy Research and Development Authority. And many more alumni in the federal agencies, state government and the private sector.

“Georgetown possesses an extraordinarily talented faculty, ready access to leading practitioners for adjunct appointments and a supportive alumni base,” says William L. Thomas (L’89), who heads the environment, health and safety practice at Willkie Farr & Gallagher. [See page 32.] “If you look at the national environmental bar, many prominent practitioners in both the public and private sector hail from D.C., and several went through Georgetown. These alumni offer a willing community of potential mentors and advisers.”

Alumni now participate in programming, whether in connection with EPA rulemaking or adapting to the consequences of climate change. And they connect with students, in person or through Facebook or LinkedIn. Because whatever the trends on the legal, employment or social media landscapes, the job of saving the planet from environmental damage won’t be going away any time soon. With so much to be done — and each step a mere drop in the bucket — how does an environmental law professor stay positive?

By considering that the first National Environmental Policy Act in the United States was passed in 1969 — and by thinking of what we’ve accomplished in that amount of time, says Brown Weiss. “If you want to motivate young people, you have to believe it’s possible to change things,” she says. “Whether it’s going to be possible, I don’t know, but the only way you can do it is to stay hopeful. ... We have a whole new field of environmental law, and a whole new field of international environmental law. Is it enough? No, we need much more. But still, that’s a lot.”



IN CLASS:
Foundations of
American Law and
Legal Education

By Anne Cassidy



Professor Charles Abernathy

Foundations of American Law and Legal Education

Professor Charles Abernathy is drawing boxes on the board. He has been doing this with some regularity since his first lecture for this year's Foundations of American Law and Legal Education class. Sometimes the boxes stand for civil law and common law. Other times they stand for the legislative, executive and judicial branches of government. Today, they stand for various government restrictions on speech — part of an overview of the First Amendment Abernathy is giving the international LL.M. students taking this three-week summer “boot camp” on American law.

“What are the rules of these boxes and how do I know which box I’m in?” Abernathy asks. These are rhetorical questions; the real ones will come soon enough. For now, the professor offers a preamble on the day’s topic using the landmark case *New York Times v. Sullivan*.

“The *New York Times* ran an advertisement, and it said there’s this bad chief of police in Alabama. He’s misusing his office, arresting innocent people. Mr. Sullivan was not named, but the city was named so everyone knew he was being referred to. ... Under Alabama law you are protected as a public citizen if the statement made against you implies you have misused your office. And under Alabama law the chief of police sues and gets substantial damages. The question is does this violate the free speech rights of the *New York Times* to publish this ad? We all know the answer. Yes, this does violate the free speech rights. But the real question in law school is why. ... What’s the purpose of the First Amendment?” Abernathy asks — this time not rhetorically.

Gladys Bagasin from the Philippines raises her hand. (Students have learned this is the only way they will be called on.) “To protect the people to voice their opinions,” she says.

Abernathy nods but pushes: “We wanted what to happen?”

“Positive change from the government,” Bagasin says.

“In a democracy, speech leads to democratic change.

Gladys, I can understand this idea. In a democracy we try to persuade each other.”



Anca Muir (LL.M. '15)

Abernathy then draws attention to *Times v. Sullivan*’s citing of Justice Holmes’s dissenting opinion in a related case, including Holmes’s famous comment that “what we have in the United States is a marketplace of ideas.”

This is a foundational idea for the United States,

Abernathy explains, that we must exchange ideas to be informed voters. “Here’s a question, though,” he adds. “What should this marketplace look like? ... Do we have a noisy marketplace or a very orderly, quiet marketplace?”

The students agree that it’s pretty noisy — and prone to error and confusion. “Then what should correct the excesses?” Abernathy asks.

Hands go up. Abernathy calls on Juliet Hatanga of Uganda. “More speech,” she says.

“But if I’ve made a mistake it won’t be corrected,” Abernathy says. “What do you think?”

“Maybe we should think about who has the louder voice,” says Anca Muir of Romania. “Some people have more power, more money. Maybe the person who has the truth doesn’t have the power to answer.”

More debate follows, about truth and lies and the nature of justice, after which Abernathy says to Muir, “You are thinking like a civil law lawyer because you’re thinking there are two boxes, truth and untruth, and the Court says it’s a spectrum.”

Abernathy is getting at an important point and one he comes back to often in the course: common law and civil law don’t really fit into separate boxes — unless you draw 50 different boxes — because most countries have some blend of civil and common law. But for Foundation students, many of whom hail from civil law countries, it’s important to identify some basic distinctions between the two. “Don’t think about common law or civil law; think about who made the law,” Abernathy says. “The judge makes the law in case-based systems; in code-based systems the legislature makes the law.”

"I draw boxes, but I don't believe in them," Abernathy says about his teaching. "Most of the things I say are to provoke students to think. ... Law school in most every other part of the world is sitting and listening. So this is quite a change for these students. Most of them say it's enormously empowering."

51 Students; 25 Nations

Abernathy, Professor Michael Cedrone and the other professors who teach Foundations have three weeks to introduce 51 LL.M. students from 25 nations to the fundamental principles of common law, federalism, judicial review, executive and legislative power, due process, equal protection and civil rights. Foundations students have gotten an initial law degree in their home countries and may have practiced there, says Professor and Associate Dean of Graduate Studies Nan Hunter, so the course is by no means a beginning one. But it does introduce these lawyers to American constitutional law and civics.

Cedrone provided a civics lesson to Foundations students during the second week of class, describing the role of the electoral college using the disputed 2000 presidential election to illustrate the point. He gave students a hanging-chad description of the election in Florida, explaining those now-iconic scenes of computer card scrutiny to an audience that may not be as familiar with them as U.S. citizens are. While Cedrone thinks it is important to introduce students to foundational doctrines of U.S. law, he views the course as more about process and structure: "How are disputes in the U.S. resolved? What is the legal culture that resolves these disputes? How do lawyers reason and which arguments are persuasive?"

One of the course's most important goals is to introduce students to the unique style of the American law classroom. "It's totally different from what we do," says Muir, comparing the Socratic dialogue and participatory learning found here to what she knew in Romania. "There, the professor is talking, you're taking notes and you're going to talk with him [only] at the exam. You don't interrupt; you don't talk in class. I definitely enjoy the conversation [here] because that's how I learn."

Foundations students quickly figure out that the learning style of the American classroom requires more preparation. "When you don't have enough time to prepare for the class you may not be able to interact very well with the professor," says Hatanga, who was exposed to more discursive classroom techniques in her native Uganda when she took classes from Professor Esther Kisaakye (LL.M. '94), a former Leadership and Advocacy for Women in Africa fellow at the Law Center



Andrei Pineda Panqueva (LL.M.'15)

who returned to her native country to teach and practice (and is now a Supreme Court judge there). Hatanga enjoys the conversational style of the American classroom "because it gives you an opportunity to express yourself, which is an important lawyering skill."

Abernathy often takes a moment to point out conventions of the American classroom that he wants to emphasize — raising hands to be called on, speaking loudly enough so the whole class can hear. And other conventions are hard-wired into the Foundations approach, such as frequent sessions with teaching assistants, last year's students who remember well what the experience is like. "They advise and counsel," says Andrei Pineda Panqueva, of the TAs. "Not just for academic skills but for many activities, for networking and social things."

A Full-Service University

And speaking of "social things," Foundations is known for the close, even lifelong, bonds that form during the intense three-week period. "I always said that the lucky students get to come early and do Foundations because it builds tremendous community. Not only does it prepare them academically for the rigors and brevity of the LL.M. program but it also builds community in an unbelievably wonderful way," says Dory Mayer, who just retired as assistant dean of graduate programs. (See page 43.)

Mayer — like the current assistant dean, Caryn Volland, and Adjunct and LL.M. Administrative Director Sarah Kelly — has always taken the student-oriented aspect of the program seriously, realizing that it's a large part of its attraction. For instance, in the summer housing the program makes available, Mayer always made sure a student from, say, Germany, would room with one from, say, Peru. This sort of cross-cultural richness makes for much good will — and hilarity.

IN CLASS:

Foundations of American Law and Legal Education



Professor Michael Cedrone

“How are disputes in the U.S. resolved? What is the legal culture that resolves disputes? How do lawyers reason and which arguments are persuasive?” Cedrone asks.



Daniel Mutisya (LL.M.'10)

“I remember very clearly that I arrived before him to Foundations, which is rare considering he’s German and I’m Peruvian,” says Ignacio Lopez de Romana (LL.M.’99) of his roommate and friend Oliver von Rosenberg (LL.M.’99). “We met in the Gewirz apartment we shared when

I came back from class. He was waiting for me with a cold beer in his hand — and then I knew we would get along very well, as we did.”

As for von Rosenberg (he and his friend reminiscing via email), “Meeting Ignacio really made a difference for me. I hadn’t met someone from Peru, but we quickly realized we had the same sense of humor. ... When Ignacio and some other Latinos changed my first name to ‘Oliverio’ I was very proud.”

Daniel Mutisya (LL.M.’10), an associate with Clifford Chance in London, recalls how he met his roommate, Zhuoren (George) Wu in the wee hours of the morning. “I was dead asleep and can’t recall what he said to me but I remember thinking the next morning that I had had a weird dream. ... During the coming weeks, George and I became good friends and subsequently shared a flat together during and after our LL.M. studies.”

Mayer says Foundations has a “fabulous” record on marriages, too. “I believe there was at least one every year,” she says, thinking back on her 32-year tenure. “When I tell students we are a full-service university, we really are.”

With students from numerous countries and cultures, there’s much good-natured ribbing about varying concepts of time and punctuality. Professor Jeremy Mayer, who teaches political science at George Mason University and was one of several visiting professors lecturing Foundations students this summer, opened his class on the American political system by mentioning a “little game” he likes to play, wondering from which world region the latest arrival will be. “It’s usually between South American and Africa, but sometimes the Caribbean comes in and nails it.”

Students tease each other about this, as well: “For some people meeting at 8 p.m. for drinks in front of the dorm meant 8 sharp, for others 9’ish and for others again showing up at 10 p.m. was pretty early,” recalls von Rosenberg, now a partner in the Cologne, Germany, office of FreshFields Bruckhaus Deringer.

It was all part of having an “American adventure,” says de Romana, a partner at Estudio Ferrero Abogados in Lima, Peru, recalling other humorous instances of confusion, “including a girl who wanted to go shopping at the National Mall [and] a guy wondering how Professor Staff could teach so many courses.” (Students must be proficient in English to be admitted to the LL.M. program, of course, but there are still idiomatic misunderstandings.)

The Origin of Foundations

While a few other law schools have short introductory programs for foreign lawyers, it’s safe to say that none has the history, reputation or rigor of Foundations. Georgetown Law already had an International Law Institute in the mid-1950s (directed by Professor Heinrich Kronstein, who had a dual appointment here and at the University of Frankfurt in Germany). Although the Institute’s original mission was scholarly, by the 1970s, under the leadership of Professor Emeritus Don Wallace Jr., it had begun to focus on professional training.

The first summer program for foreign lawyers was made possible by a Ford Foundation grant. When the grant ran out, Georgetown kept the program and picked up students from law schools that had decided to close theirs.

By 1983, the year after Dory Mayer came on board, the International Law Institute had become a private nonprofit but still kept its hand in the summer foreign-lawyer training course. The joint ILI-Georgetown Law program was held on main campus, because there was housing there.

By 1995, Mayer explains, enrollment was bursting at the seams with 220 students, many of whom were not going on for LL.M.s. “We began to feel we were losing touch with the Georgetown part of it so we split off from the ILI and started the program called Foundations of American Law and Legal Education.” By 1997, student housing was available in Gewirz and the program moved to the law campus, where it’s been ever since.

Foundations of American Law and Legal Education

Back to Boxes

On the last of his three lectures on common law, Abernathy begins once again with boxes. The law of most countries is “not two boxes but a spectrum,” he says, “and each nation will find itself in a different location along the spectrum. Romania will be over here (he points at the chalk board while nodding at Muir) because judges don’t consult other judges’ decisions as precedent.”

A hand goes up. “Do you think there’s a trend over the world to have these more mixed legal systems?” asks Ariel Garfio-Vazquez of Mexico.

“Yes,” Abernathy replies. “This is very interesting because later we’ll talk about how civil law influenced American constitutional law.” But for now, he adds, the class will discuss cases that represent some of the purest forms of common law. In the 1804 case *Seixas v. Woods*, for example, a customer realizes that the exclusive braziletto wood he thought he purchased is actually an inferior wood called peachum. The buyer seeks redress but the court says no, that although the wood was advertised as braziletto, the ad did not amount to a guarantee or warranty.

The Court says “no,” Abernathy notes, “but what’s the most important word in American law school?” Everyone knows by now — it’s “why.”

“The importer was not aware of the mistake. The exporter sold it to the importer,” says Jayanti Singh of India.

“It’s a mutual mistake, both the seller and the buyer were mistaken so there’s no liability on the seller. Why not? ... Is this a moral or an economic decision?” Abernathy asks.

“It’s economic,” says Marcel Boller, a visiting scholar from Switzerland who’s studying the rule of law.

“It’s not fair,” says Garfio-Vazquez, taking the moral side of the argument.

“I suppose the fairness argument says that both the purchaser and the importer should sue the wood exporter,” Abernathy says. “But, Ariel, that’s not possible because the wood exporter is in Brazil. So what we’re requiring here is that the purchaser should eat the cost. This case is a perfect example of the old English rule of ‘buyer beware,’ with the interesting twist that the judge considered a civil law rule, which would provide an automatic warranty, but instead followed the precedent of a 1603 English law instead.”

“So the difference between European and Common Law is whether the warranty is automatic?” Singh asks.

“What happens if there’s always a warranty? The price goes up, right?” Abernathy says. “I like the common law rule — take the time to inspect or you can buy a warranty.” Then, addressing Garfio-Vazquez again, “It’s beginning to seem more like a fairness issue.”

“I want to add something to the economic argument,” Boller says. “One person has to inspect the product. It can be the seller or the purchaser. In this case it should be the purchaser because he has the risk. On the other hand, you can usually say that the seller knows the product better than the buyer because he’s a professional seller of wood. Therefore, he should be the one who has to make the inspection.”

“But we don’t know the wood importer is a specialist,” Abernathy says.

“He should be,” Boller responds.

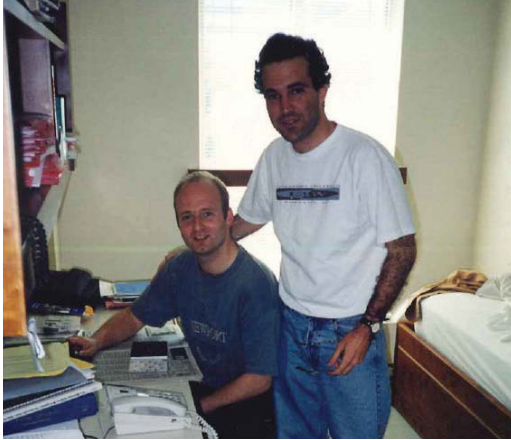
“One might make the argument that the common law rule keeps prices low. You inspect it, you internalize your own cost,” Abernathy says. “The judge knows the civil law rule, consciously thinks about whether to acknowledge it, then goes with the common-law case instead.”

Abernathy leads the class through two more cases before concluding his morning lecture. A scholar of civil rights and comparative law, Abernathy has taught foreign students for decades, both here and abroad. His textbook, *Law in the United States* (Thomson/West Publishing, 2012), is in its second edition, and Foundations students always have it nearby for perusing footnotes, citations and decisions the professor might refer to in class. “I draw boxes, but I don’t believe in them,” Abernathy says about his teaching. “Most of the things I say are to provoke students to think; I don’t mean to declare the truth to them about free speech or equality so much as to declare something that they would then have to consider seriously. Law school in most every other part of the world is sitting and listening. So this is quite a change for these students. Most of them say it’s enormously empowering.”

Seven Long Years

Empowering enough that students make big sacrifices to come here. Hatanga learned of Georgetown Law’s LL.M. program in 2007, but it took her seven years — “seven long years,” she says — to be in a financial position to enroll. As it is, she came alone, leaving behind in Uganda her husband, a medical doctor, and three children (the youngest only nine months old). After meeting her immediate goal (finding an af-

“It’s the best combination of a perfect academic program, a wide range of international students, the chance of participating in J.D. classes ... and an international hub,” von Rosenberg says.



Oliver von Rosenberg (LL.M.'99) and Ignacio Lopez de Romana (LL.M.'99) as roommates and at their 10th-year reunion in 2009.

fordable one-bedroom apartment roomy enough for her family if they can visit — many students had sticker shock over the high D.C. rents), Hatanga plans to use her Georgetown legal education either to ascend to a higher bench (she is currently a magistrate judge in Uganda) or to work with an NGO on reproductive health issues. “My mother was a midwife for 49 years, and I saw the challenges that women went through to exercise their reproductive health rights, for example requesting invisible contraceptives. With training and specialization in this area, I would be able to go back at a senior level and advocate for policy changes.”

Anca Muir is one of many students not only earning an LL.M. but also preparing for the New York Bar — one of the most accommodating bar exams for international attorneys, though still a challenge. Muir attended law school in her native Romania before becoming a legal counselor in the prime minister’s chancellery, a legal adviser for the telecommunications corporation Orange and finally a private attorney. If she returns to Romania — her husband, a U.S. citizen, 2009 Georgetown graduate and an officer in the U.S. Army, may be stationed in Europe within two years — she will resume her practice there. But she is also preparing to work in the United States or elsewhere in Europe. Like 20 other LL.M. students, Muir continued her summer studies with the Summer Legal English Program, which was developed by Professor Craig Hoffman and led by Language Center Director Michelle Ueland. It focuses more on language than law, emphasizing academic writing and English-language research skills and techniques. Muir found it “really intense and really helpful.”

There are as many post-graduation plans and goals as there are students in Foundations. Hitesh Malik, who practices law at the Supreme Court of India and works as an additional advocate general, hopes to return to his post with more contacts after his LL.M. year. Jiaying Zhou, who just graduated from East China University of Political Science and Law, is considering a J.D. program at the Law Center after receiving her LL.M. And Andrei Pineda Panqueva, who’s a legal and financial consultant with Grupo de Energia de Bogota, will look for work on several continents because, he says, “I am a citizen of the world.”

Anyone Here From San Marino?

Acknowledging the many “world citizens” in the program, Hunter emphasized Georgetown’s cosmopolitan character during her first lecture to the class. “D.C. is an international city,” she said, with “a flavor constituted not only by the domestic politics that occur here but also by the kind of international organizations and embassies, and by the cultural, social and political life those institutions contribute to. Take advantage of those opportunities. ... Don’t leave D.C. without listening to a summer concert on the Mall, without visiting a Smithsonian museum, without walking to the Supreme Court.”

And in fact, the students did the latter with their TAs, taking off for a tour of the Court the day after having a lesson on the jury trial in the chambers of the Hon. John Facciola (L’69), an adjunct here and a magistrate judge for the U.S. District Court of the District of Columbia.

Foundations of American Law and Legal Education



Jiaying Zhou (LL.M. '15)

On the walk back from the Supreme Court, Zhou said she chose Georgetown's LL.M. because of its international law courses, plus "the location of D.C. puts you in the epicenter of law and politics." Zhou knows about epicenters. In 2012 she spent a semester at Case Western Reserve University Law School located in

the swing state of Ohio. "I saw President Obama twice, [First Lady] Michelle Obama once and I had my photo taken with Vice President Biden," Zhou says.

Many LL.M. students say that Georgetown's D.C. location is part of the reason they choose to come here. "It's the best combination of a perfect academic program, a wide range of international students, the chance of participating in J.D. classes ... and an international hub," von Rosenberg says.

And no wonder, with students this year from Brazil, Cambodia, Canada, China, Colombia, Ethiopia, Honduras, India, Japan, Kenya, Korea, Liberia, Mexico, Nigeria, Peru, the Philippines, Romania, Singapore, Sri Lanka, South Africa, Spain, Switzerland, Turkey, Uganda and even the United States (an American citizen who grew up in Japan). The cosmopolitanism of the class is one of its greatest strengths.

Although there are practice exams, there is no final grade in Foundations and no credits given for the class this year; it's a dress rehearsal for LL.M. classes to come. Which makes it sometimes, well, fun.

"Any reason you always vote on Tuesdays in this country?" a student asked Cedrone.

"The answer to your question is 'tradition,'" Cedrone replied.

"I heard it was the only day when bars were closed," another student interjected.

"Is there anyone here from a country with a constitution older than the United States?" Visiting Professor Mayer polled on the first day of class.

The answer, not surprisingly, was no. The only nation that fits that description is San Marino, population 30,000, a tiny microstate completely surrounded by Italy.

Separate But Equal

But the fun is only secondary. Professors bring an analytical and historical approach to a sophisticated and at times refreshingly unbiased audience. Given that the course covers

some of the most deeply felt and hotly debated topics of the American legal experience — even of American history — the discussions can be riveting. Like this one in Abernathy's class during a discussion of equal protection and *Brown v. Board of Education*:

"What's the problem with segregation in education?" Abernathy asks.

"It creates a feeling of being inferior," says Garfio-Vazquez.

Abernathy nods. But he's trying to get at what creates the feeling of inequality. "Are all acts of segregation inherently unequal?" he asks.

"Even if you're trying to create equality, there is a selective segregation that is necessary to bring about equality, which in a way can also cause segregation," says Hatanga of Uganda.

"Ah," Abernathy responds. "In the U.S we call this affirmative action. ... The very act of balancing continues the racial consciousness and creates possibilities that one group will hurt the other again. That's the argument," Abernathy continues. "But Juliet, is it only segregation or racial consciousness? Those are two different things. Or is every act of racial consciousness also an act of segregation?"

Karen Bosman from South Africa brings up income discrepancies and their effect on education. "Is the problem that black students study in worse conditions?" she says.

"I could fix that with money," Abernathy replies. "But the Supreme Court said even if we made them equal they would still be unequal because the argument is in our heads." The conversation continues, covering race, culture — and even the separate-but-equal aspects of public restrooms. As the two hours draw to a close, Abernathy asks the class to ponder whether perceptions of inequality are based on the evidence of social science or on value judgments.

There's an inquisitive, comparative spirit in Foundations, one that invites students to think not only about the laws and government of the United States but also about the laws and governments of their own countries. Which brings us back to boxes, the divisions between forms of law, between nations, between the real and the imagined. "I'm not asking you to stop being civil law lawyers," Abernathy says, "only asking you to see there's a spectrum. In your own home country you may find more of that spectrum than you originally thought."

It's not just legal analysis that's being taught here; it's legal understanding — and that's something Foundations students take with them, not only through the LL.M. program but all the years to come.

Farewell (Adios, Au revoir, Sayonara) to Dory Mayer



Mayer with 2008 Foundations students.

Assistant Dean of International Programs Dory Mayer says she didn't want a party when she decided to retire after more than 30 years at what she calls "the most wonderful career in the world."

"My strength is one-on-one, not a group, so I chose to speak at the European Law Alumni Advisory Board meeting in Brussels last May, and that was another way to end it." In many ways, of course, Dory Mayer will never "end it," will never leave Georgetown Law, because the good will she has spread in her decades here continues to ripple across the world (quite literally).

Part administrator, part educator, part den mother, Mayer saw to every detail of international students' lives at Georgetown Law — from helping them register and choose classes to selecting summer roommates.

She feels strongly about the international community aspect of Foundations. "There once was a Lebanese across the hall from an Israeli, so they established their own green line," Mayer says. They recognized the political differences at home but rose above them. They were people who "might not have ever had a connection" but for Foundations and the LL.M. year that followed, she says.

In addition to a J.D., Mayer also has a masters in counseling — "so I was trained to be a good listener" — and listen she did. "One of my favorite stories is the student years ago who came into my office one day and said, 'I'm ready to take my corporations exam, Dory.'"

" 'What do you mean? It was yesterday!'" she said, as calmly as possible.

This was just one of many cross-cultural misunderstandings that could have been problematic except that Mayer didn't let them be. Realizing that this student came from an educational system where there's more latitude in exam schedules, Mayer spoke to the registrar and smoothed things out.

"At alumni gatherings in foreign countries, you will observe a phenomenon to which I have grown accustomed: when Dory is introduced, people will start to cheer. (Not just applaud, cheer.) I have never seen anything quite like it," said Associate Dean of Graduate Programs Nan Hunter in an e-mail announcing Mayer's retirement.

Mayer said she never had to find a new job because her job was constantly changing and because "Georgetown let me do the things I wanted to do." Running the Foundations program was chief among them.

"Dory made a difference for generations of international students at Georgetown," says Oliver von Rosenberg (LL.M.'99), a partner in the Cologne, Germany, office of FreshFields Bruckhaus Deringer and a member of the European Board. "She always was a good adviser in professional and personal questions. When I meet someone from the international program at Georgetown Law, even if he or she studied 10 to 15 years prior to me, the first name he or she mentions is Dory Mayer. This is why I am very happy that the Dory Mayer Endowment Fund has been established and proud that I have been asked to be one of the first alumni to provide funding. I hope that others will join me."

As Mayer enters retirement she hopes to travel and visit some of the many friends she's made throughout the years. In many ways, it's a continuation of her career at the Law Center. "Georgetown has given me the world," she says.

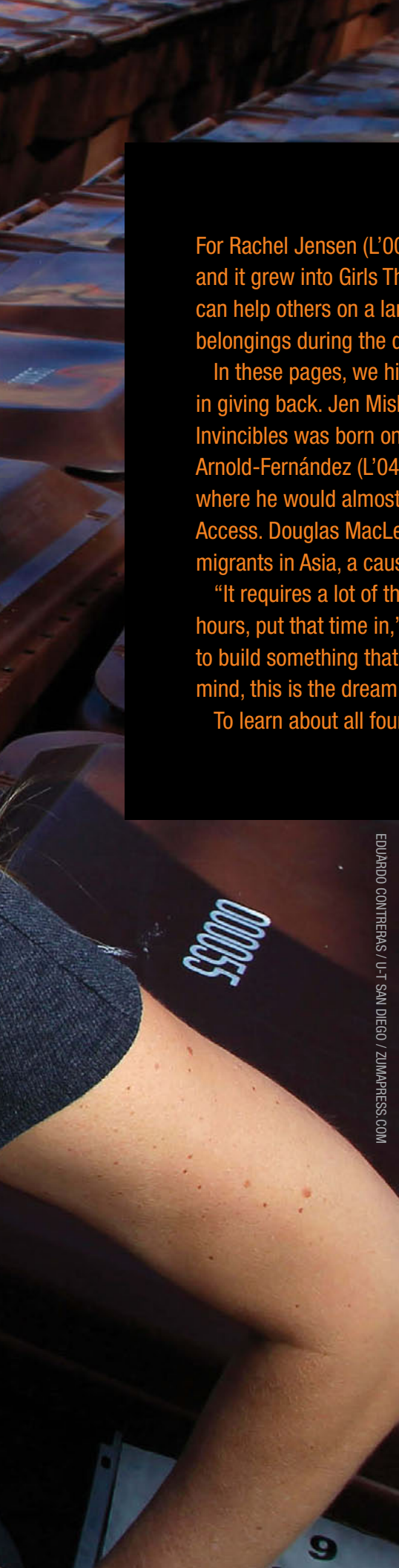
For more information on the Dory Mayer Endowment Fund, please contact Elizabeth Claps at elc37@law.georgetown.edu.



"SOMETHING TO BELIEVE IN"

THESE YOUNG ALUMNI HAVE FOUND THEIR DREAM JOBS HELPING OTHERS

BY ANN W. PARKS



For Rachel Jensen (L'00) it started when she brought sandwiches to a homeless man in San Diego and it grew into Girls Think Tank, a nonprofit she started with her friends. Now Jensen (pictured left) can help others on a larger scale — such as providing bins where the city's homeless can store their belongings during the day.

In these pages, we highlight four alums who found meaning — and huge career satisfaction — in giving back. Jen Mishory (L'10) and classmates founded a nonprofit while still in school; Young Invincibles was born on the Law Center campus during the health care debates in 2009. Emily Arnold-Fernández (L'04) helped a teenage refugee avoid being sent from Egypt back to Liberia, where he would almost certainly have become a child soldier; three years later she founded Asylum Access. Douglas MacLean (L'12) incorporated Justice Without Borders to assist exploited labor migrants in Asia, a cause that had interested him for years.

“It requires a lot of thinking outside the box and a lot of willingness to take that risk, work the long hours, put that time in,” says Mishory of launching Young Invincibles. “But the rewards of being able to build something that you believe in and that can really have an impact are just enormous. In my mind, this is the dream job.”

To learn about all four dream jobs, read on.

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Rachel Jensen did not intend to start a nonprofit when she moved to San Diego to join the firm of Robbins Geller Rudman and Dowd as a litigator in 2003.

But growing up in St. Petersburg, Florida, she had been taught to help the less fortunate. So in California, when she noticed a homeless man living at a bus stop on Rosencranz Avenue on her way to and from work, she began bringing him sandwiches and water.

"I think it was intuitively the need to connect with the community on issues that mattered to me," Jensen said, when asked to explain why this particular person spurred her to act. "With litigation sometimes we are off in our ivory tower, so to speak, not really connected to the communities in which we live, and I think I was missing that connection. I was looking around and seeing these folks on the streets and it was kind of like a pebble in my shoe. I couldn't let it loose, so I decided I had to do something about it."

The first thing she did was to e-mail her women friends — mostly lawyers and paralegals — suggesting that they get together and talk about the problem. It was not your typical after-hours sort of chatter, but everyone was interested, and out of that first meeting, Girls Think Tank, a 501(c)(3), was born.

"A light switch just flipped when we were sitting around that table and it was like, why don't we do this ourselves? Just the notion that we didn't need to write checks to other nonprofits, that we could actually be a nonprofit, we could actually do the work that needed to be done," Jensen says. "And that sort of hands-on mentality has I think really energized a lot of the

people that we worked with, our volunteers, and I think that's what excites a lot of people, this notion that you don't have to contribute money or you don't have to get in line at a program. You can just do it."

JUST DO IT

After launching in October 2006, the group began by handing out "winter survival backpacks" (with blankets, hats, gloves and socks) to people in need. It now provides a summer version and has worked to reduce unnecessary duplication of items donated to homeless persons, while providing more of the items they need the most.

But not all of life's necessities can be handed out in a parcel; the group also advocates for access to clean drinking water and restrooms through its Basic Dignity Campaign. Through the efforts of the Girls Think Tank, the San Diego City Council recently funded \$700,000 for solar-powered 24/7 restroom facilities — "known as Portland Loos" — with a spigot for water bottles. These will benefit the entire community — not just the homeless. "We're finally hoping to get some of those facilities in this year," Jensen says.

Girls Think Tank also runs a transitional storage center with 350 bins where the homeless can store their possessions during the day while they're working or attending classes, medical appointments, job interviews and the like. "That's probably what we are best known for at this point, certainly our most high-profile project and our most-well funded project," Jensen says, noting that San Diego now has \$150,000 in the budget for the



storage center, which is also supported by private donations, and hopes to soon expand to 500 bins. "It's a pretty robust program."

The organization also provides legal services through a legal referral and advocacy clinic at two different centers of homeless services in San Diego. Jensen hopes to eventually pair the clinic with a local law school. "Community education is really important to us, and we are going to build that out over time," she says.

And Jensen has continued her full-time practice, demonstrating that not everyone who starts a nonprofit has to give up traditional practice to do so. Girls Think Tank provides a welcome balance to the acrimony of litigation. "You are just duking it out all the time, so I find that the pro bono work with GTT is really very gratifying and somewhat recharges my batteries."

SOCIAL JUSTICE

At Georgetown, one of Jensen's most influential professors, she says, was Emma Coleman Jordan, who taught a course on economic justice. "To me, looking at the law and legal constructs from a social justice perspective was really illuminating and I found it an inspiring way to look at the law," she says. "It did inspire some of the ways in which I've looked at both human rights law and homeless issues, which I consider to be a human rights issue, and thus the work that I do at the Girls Think Tank."

She was also influenced by Georgetown's Street Law Clinic. In fact, the legal referral and advocacy program of Girls Think Tank includes a know-your-rights pamphlet, a focus on community education that Jensen would like to increase in the future. "That kind of builds off the model of Street Law, in the sense that you

are teaching lay people in different communities their rights."

There were other influences. Besides her family's involvement with low-income communities, Jensen worked at the office of Florida Gov. Lawton Chiles after she graduated from Florida State, working on a task force for domestic violence. It was this work that inspired her to go to law school. "I was really interested in the policy work that I was seeing, particularly involving women's rights," she says.

After law school, she clerked for the late Judge Warren J. Ferguson on the 9th Circuit before going abroad to work on the International Criminal Tribunal for Rwanda and the former Yugoslavia. Later, she joined the Robbins firm.

So now she can advise fellow lawyers on just what to do when that need-to-help feeling arises. "I would really encourage students and alums, once you are out and have started your legal career, it's important to look at the community around you. ... We are so privileged in the sense that we have such high-level skills and are able to navigate so many systems that most folks can't," she says. "If there is an issue that is a pebble in someone's shoe, they should pursue it, and use all the skills that they have learned through their legal education to leverage solutions to those issues. We are a real gift to our communities if we give back."



JEN MISHORY (L'10)

YOUNG INVINCIBLES

It's become something of a Georgetown Law legend — a group of students sitting in the Market Café in the fall of 2009, wondering why young people, 18 to 34 years old, weren't being heard in the health care debate. The question had occurred to Aaron Smith (L'10) and Ari Matusiak (L'10) as they worked in their respective New York firms as summer associates. So when they returned to the Law Center, they discussed it with their fellow Section 3 classmates Jen Mishory (L'10) and Rory O'Sullivan (L'11, MPP'11). And it was through these conversations that a national nonprofit, Young Invincibles, was born.

"It's sort of a tongue-in-cheek name, because the insurance industry had dubbed young people as 'Young Invincibles' — the idea being that young people think they are invincible, they really don't need health coverage, and that's why on the individual market side of health care you really don't see that participation," explains Mishory, who along with Smith has created her own career path by working full time for the organization since law school.

What the students discovered, though, was that faced with the choice of purchasing food versus shelling out money for health care, there really wasn't much of a choice — which was why young voices were not being heard. Twenty-one million young adults in America were uninsured, and 15 percent of those had chronic conditions. "We said, well, if you actually talk to young people and you hear their stories, it's more about access and cost and being able to afford health care," Mishory says. "Young people do have health crises, and we wanted to make sure that we were telling that story."

TELLING THE STORY

Back in the Market Café, the group didn't necessarily envision a full-time, permanent operation, says Mishory, who took over the role of executive director from Smith in April. But with the health care debate as a backdrop — the Affordable Care Act had yet to be passed by Congress or signed into law — it's no wonder that their initial efforts snowballed into something much greater.

From their base at Georgetown Law, the students analyzed the health care bill and how it would impact their generation. While juggling classes and part-time jobs, they put together a lobby day on the Hill in October 2009, talking to senators and representatives about the ACA and what young people cared about. "We spent some time looking through and making sure we understood what was happening, what was going on, what pieces of [the legislation] were particularly relevant to this generation and then providing that context to folks on the Hill, to the media, to our classmates," Mishory says.

At a press conference held that same day, then-House Speaker Nancy Pelosi announced the dependent coverage provision allowing young people to stay on their parents' health plans until the age of 26 — timing the announcement with Young Invincibles' lobby day and catapulting the organization into the national spotlight. And as the bill negotiations dragged on into the second semester of their senior year, the students realized that a lot more needed to be done, even when it was clear that the health care bill would become law. "We really kind of took a step back and said, wow, we were able to get people fired up and excited about these issues, and there's a lot here when it comes to implementing this big law," Mishory explains. "This is one of the



bigger reforms of our generation; we want to make sure it works really well for young people and decided that that's what we were going to do."

So with about three months' worth of salary between them, Smith and Mishory opened offices the summer after graduation and with the help of a sponsor and some fundraising were able to turn the venture into full-time jobs for both of them. Smith started as executive director and Mishory as deputy director. O'Sullivan, who had one more year at Georgetown, helped out between classes and over the summer before joining full time in 2011.

As representatives of Young Invincibles, Smith and Mishory found themselves appearing in media outlets including CNN, the *Wall Street Journal* and the *New York Times*. But they quickly realized that there was more to this job than promoting health care issues. Young people needed help in other areas as well — especially access to jobs and higher education. So they began to educate themselves on un- or under-employed, indebted college graduates. A recent policy report by YI reported that one unemployed 25- to 34-year-old represents nearly \$9,900 annually in forgone tax revenue and benefits received.

"The cost of higher education has tripled since my mom went to college, the unemployment rates are sky high, because of the recession and also because of some structural changes that have happened over the past couple of decades," Mishory says.

VOICES

A mere five years after its founding, Young Invincibles has grown to include six offices from coast to coast and approximately 50 staff including Deputy Director O'Sullivan and Senior Policy Analyst Christina Postolowski (L'12).

While the organization tackles many big policy questions it continues to focus on health care. For instance, Mishory recently appeared at the O'Neill Institute for National and Global Health Law's spring conversation series on implementing the Affordable Care Act. "Public policy is only as good as it's implemented, and as good as people know about it and know it's out there, and we took that to heart," she told the crowd, noting that Young Invincibles has had "navigators" on the ground enrolling young people. "We felt like these changes are coming, and we need to make sure that people take advantage of what's out there."

The group has also given back to Georgetown Law, working with the Office of Public Interest and Community Service to host a fellowship for recent law graduates. While starting and running a nonprofit requires a lot of risk-taking and long hours, the rewards are enormous, Mishory says. She cited a recent press conference held by Young Invincibles in D.C. on youth employment, where a young man spoke about the challenges facing him and his community. "He had grown up in D.C. but had never visited Capitol Hill," Mishory says. "Just being able to facilitate that and lift up his voice directly to policymakers was great."



EMILY ARNOLD-FERNÁNDEZ (L'04)

SANDRA TEN ZUTHOFF / ASYLUM ACCESS

Emily Arnold-Fernández, the founder and executive director of Asylum Access, always knew that she wasn't going to be practicing law in the traditional sense.

The summer following her 1L year at Georgetown she did an international internship in Egypt, representing refugees seeking asylum in that country.

Her first client was a teenage boy from Liberia who had been a refugee in Egypt since he was 10 years old. "He had one appeal left, and if we didn't win his appeal then the next time he got picked up he'd be sent back to Liberia and almost certainly end up a child soldier," Arnold-Fernández recalls. "It was the middle of the Civil War and boys like him were being targeted."

In Liberia, then-president Charles Taylor and his son Chucky had a "Small Boys Unit" of child soldiers; to fill it, military personnel would go through the marketplaces in trucks, looking for boys to abduct. And as a member of the Mandingo ethnic group, this boy was particularly vulnerable, Arnold-Fernández notes.

Though he had been able to flee to Guinea and later Egypt with the help of an uncle, he had to navigate a legal process on his own, separated from his family, in order to gain refugee status. And so, armed with only her first-year legal research and writing skills, Arnold-Fernández set out to save a life.

"I could have submitted his appeal brief without anyone else in the entire office ever taking a look at it," she says (noting that the organization she worked for was so new at the time that it didn't have a name). But she asked a volunteer lawyer there if he would

read her work. "This legal brief was going to make the difference between life and death for this kid. I mean, I got a lot of good education at Georgetown, but still, that's a lot of pressure."

GOOD EDUCATION

She wanted to create social change, so when Arnold-Fernández was looking at law schools she searched for one that would give her a good education and solid international credentials. Her undergraduate majors at Pomona College were philosophy and music — a long way from Liberian refugees in Egypt — but after college she spent a year and a half doing women's rights work for an NGO in Los Angeles and then spent a year in Spain researching the case against former Chilean dictator Augusto Pinochet. "I wanted to make sure I had some work experience before going back to school," she says. "I wanted to make sure that I knew why I was going to school and that I was ready to take advantage of it."

At Georgetown, she benefited from Susan Deller Ross's international women's human rights clinic — and of course from the internship in Egypt. Her legal brief did win that first client protection and safety in Egypt until his eventual resettlement in the United States.

There were other problems she discovered during her time in Egypt that she wanted to address, such as the barriers that prevented refugees from rebuilding their lives. Another refugee she met that summer was a 20-year-old Liberian who had also been a refugee since the age of 10. During his teenage years his



status had rendered him unable to work or go to school, so he took three volunteer jobs, anticipating the day when he would need something to put on a resume.

"I was blown away by that, thinking of all the opportunities that I just took for granted in my own life," she says. "I thought, what a crime that he is not able in Egypt to start a business or get a job or go to school. ... He would have been terrific there and yet all of these doors were closed to him."

CALLING FOR CHANGE

It was that impetus that would eventually lead Arnold-Fernández to start Asylum Access after graduating from Georgetown Law — recognizing not only that refugees needed legal aid but also that laws needed to be changed so that legal aid for refugees could be more effective. After a post-law-school fellowship that led her back to California — again doing women's rights work — she took a part-time job doing civil rights litigation to support herself while building a nonprofit from the ground up.

Her biggest challenge was fundraising, which she had to learn fast. "I wrote to everybody I'd known since the seventh grade and said, this is what I'm doing, can you help out? I remember thinking at one point that if I failed at this not only would I be telling them I failed, I would end up with no friends."

She didn't fail. Since its launch in 2005, the 501(c)(3) has engaged in advocacy at a global level, with 50 paid staff in multiple offices in California, Ecuador, Tanzania and Thailand.

A new office opens in Malaysia in October. Country directors and most paid staff are local, which is "absolutely critical," Arnold-Fernández says. "I can't go to the Ecuadorian government or the Tanzanian government and say here's what I think you should do ... that's not going to work. What I can do is make sure we hire and support local human rights activists who are willing to push their governments on this."

Successes include changing the constitution of Ecuador with respect to refugees, assisting with the first draft asylum law ever in Thailand and providing legal assistance to more than 10,000 people a year, with most of the direct legal work being done by trained volunteer lawyers.

"We've really proven our model, but as we've become more successful we've found that we're confronted with the challenge of trying to shift the whole way that refugee assistance is provided," she says. The average time a person spends in a refugee camp is now 17 years or more, Arnold-Fernández notes, which is simply unbelievable when considered in the context of one's own life.

"The U.N. says that refugee camps should be a last resort, but what do they do in Jordan? They set up refugee camps, because that's the path that they have been following for the past 60 years and that's what they know how to do. ... Our model is really explicit about changing the laws in the first countries of refuge, so that [refugees] can work and go to school and rebuild their lives. That's a very different approach from just providing humanitarian aid and staying out of politics."



DOUGLAS MACLEAN (L'12)

JAMES GREEN

In 2013, less than two years out of law school, Douglas MacLean founded Justice Without Borders, based in Chiang Mai, Thailand. The NGO enables victims of international human trafficking and exploitation, particularly labor migrants, to seek legal remedies against their abusers in wealthy host countries — even after they return home. MacLean is the executive director.

“This goes beyond my wildest dreams,” he says, when asked if it was the sort of thing he envisioned in law school. “I went to various branches of the U.N., the International Labour Organization, international NGOs and said, ‘Here’s this problem I see. Are you guys working on this?’ They said, ‘We don’t have the money, we don’t have the infrastructure, you should do it.’ I guess that was a subtle hint that I should start something.”

And so MacLean did. He began building bridges between lawyers and support organizations across national borders. Because the problem he saw was the exploitation of migrants across borders — exploitation ranging from unpaid wages to outright human trafficking — he also had to remove the obstacles faced by the many victims who return home before they can pursue legal remedies.

While some victims can seek redress in a wealthy host country like Japan with the help of legal aid organizations, a migrant who returns to Thailand or Indonesia is less likely to pursue his or her case across national borders.

“The solution is to create more established connections between home and host countries,” MacLean explains. “Having

taken [Professor from Practice] Andy Schoenholtz’s immigration law class ... [I learned] how in the refugee context they have these connections. Someone can be a refugee in Syria, and if he needs to get to South Korea there will be a network to get him there.”

BUILDING BRIDGES

Building connections is key to MacLean’s success. Before Georgetown he worked in the California state legislature, seeking solutions to human trafficking issues. And when he first came to a J.D. open house in 2009, the first person he happened to meet was James Feinerman, the co-director of Georgetown Law Asia and the James M. Morita Professor of Asian Legal Studies. It was Feinerman who convinced MacLean to come to the Law Center.

“I came to Georgetown to fight human trafficking on the Pacific Rim — that’s what I told [Professor] Feinerman the day I came to visit, and that has not changed,” he says.

MacLean has had a lifelong interest in Asia. When the Japanese earthquake and tsunami hit in 2011, he was among the students who organized a relief effort and a tree planting outside of the Hotung Building in memory of the victims. “We raised \$5,000 dollars in 24 hours — and got a tree planted on top of that,” he recalls.

After law school, MacLean went to Japan on a Fulbright, working on that country’s response to the problem of human trafficking through international marriage migration. “They have



mail-order brides over there and use them as a cover to bring in undocumented labor that is easily exploitable,” he explains. “So my big question was, what does their legal system say they can do about it? I was looking at law on the ground in practice, so I spent a year talking to their Department of Justice officials, immigration officials and police officials.”

While working at the Center for Documentation of Refugees and Migrants at the University of Tokyo during his Fulbright year, MacLean discovered that lawyers in Japan were already helping exploited migrants seek redress in the court system, only to see the cases drop when the migrants returned to their home countries. In one case, two Japanese labor lawyers MacLean knew had gone to Shanghai, China, to recruit a local lawyer to help them stay in touch with their client and to collect testimony and evidence as the case progressed. While the solution worked beautifully — and led to a win for the plaintiffs — the same kinds of connections had to be made for every new client who returned home to another country.

So now Justice Without Borders, which is incorporated in Washington, D.C., is connecting lawyers, law students and aid organizations in the “host” countries of Singapore, Japan and Hong Kong with those in the “home” countries of Thailand and Indonesia — and it is establishing a legal presence in each place.

“The organization has really taken on a life of its own,” MacLean says, adding that JWB is now partnering with local

NGOs to take on individual cases. In Singapore, he notes, Chinese workers must often pay illegal kickbacks to employers to be hired, or in some cases are never paid for months of work. Even when the workers get a settlement or a judgment in their favor, the companies fail to pay and the workers often go home empty-handed. “These cases are helping us develop ways for clients to collect on their judgments, even after they go home. ... We are also developing a practitioner’s manual for Singapore, which is home to nearly one million migrant workers,” he says.

MacLean has further teamed up with law students at the National University of Singapore to find out which migrants are being exploited and to explore what their legal options might be if they have to leave the country. “We are looking to involve other universities in home and host countries as well so that students can have an opportunity to directly impact the lives of others while we also build a generation of young lawyers who are knowledgeable and passionate about this work,” he says.

MacLean is indeed living his dream, while doing a lot of traveling. “The biggest problem I’m facing right now is that I’ve got this big pile of work — good work — in front of me,” he says, noting that his workload has grown with every meeting he has had with his stakeholders. “It’s figuring out what to do first and then getting it all done.”

THE IRS UNDER SIEGE

By Tanina Rostain and Milton C. Regan Jr.

THE IRS UNDER SIEGE

In September 1997, Senator William Roth (R, Delaware) opened Senate hearings on alleged misconduct at the IRS by announcing his outrage at what the Committee had uncovered during its investigation of the agency. “Over the course of the next days,” he said, “we are going to see a picture of a troubled agency, one that is losing the confidence of the American people, and one that all too frequently acts as if it were above the law. This is unacceptable.”

The hearings painted a portrait of a powerful agency run amok. Senators heard from various taxpayers about abuses they claimed to have suffered at the hands of the agency. John Colaprete, owner of The Jewish Mother, a restaurant in Virginia Beach, testified that the IRS had conducted an armed nighttime raid on his home, tearing the door from its hinges, ransacking his house, and impounding his safe, his tax return records, even his dogs. During a simultaneous raid on his business manager’s house, the manager was pulled from the shower at gunpoint and forcibly restrained as he tried to call his lawyer. The manager’s teenage son was knocked to the floor and his fourteen-year-old daughter was forced to undress in full view of several male agents. According to Colaprete, the IRS had instigated the raid, during which it expected to find narcotics, based solely on a tip from his ex-bookkeeper, a convicted embezzler and thief, after an investigation that lasted less than forty-eight hours. “I used to believe that such things could only happen in a communistic bloc country or police state,” Colaprete observed. “I do not believe that any more.”

Adapted from *Confidence Games: Lawyers, Accountants, and the Tax Shelter Industry* by Tanina Rostain and Milton C. Regan, Jr., published by The MIT Press in 2014. Copyright The MIT Press. All rights reserved.

A year after the hearings took place, it was clear that the most serious charges against the agency were grossly exaggerated and, in many cases, simply false. When the General Accounting Office (GAO) and other agencies subsequently conducted in-depth investigations, they were unable to substantiate any of the more egregious allegations of IRS abuse. Colaprete brought a \$20 million lawsuit against the agents who raided his business, but the case collapsed when several credible witnesses contradicted his account. His own lawyer explained that “over time the more you go over [an unpleasant experience] in your mind, the worse it may have been.” By the time a more balanced appraisal emerged, however, Colaprete’s story and others like it had demonized the agency in the public eye.

The Senate hearings both reflected and contributed to the fact that the IRS was a beleaguered institution in the 1990s. Anti-tax sentiment had gained powerful legitimacy with Ronald Reagan’s election in 1980. When both Reagan and George H. W. Bush supported tax increases during their presidencies to reduce the federal deficit, proponents of tax cuts were radicalized by a sense of betrayal. They began to focus single-mindedly on pursuing tax cuts regardless of their impact on the federal budget or federal spending programs. Unlike previous conservatives, they were willing to tolerate high federal deficits as the price for reining in government by limiting its revenues.

Remarks by two Republican congressmen reflect the extent to which ardent hostility to taxes had entered the mainstream by the 1990s. During the midterm election campaign of 1994, Representative Bill Archer (R, Texas), who would become chair of the House Ways and Means Committee in 1995, declared, “I personally would like to tear the income tax out by its roots and throw it overboard.” In 1995, John Kasich (R, Ohio), the Budget Committee chair in the House, said in connection with a discussion of the flat tax proposal that “the end game here is to strip the government of the financial means for butting into the lives of Americans, and thus returning power and responsibility to families and localities.” As the agency charged with federal tax collection, the IRS was a natural target of intense criticism and hostility.

The agency was also struggling to modernize its efforts to collect taxes and detect tax evasion. The IRS was and is one of the biggest financial institutions in the world. At the turn of the twentieth century, it was collecting nearly \$2 trillion a year from nearly one hundred and thirty million individual and business taxpayers. Financial audits conducted by the General Accounting Office beginning in 1992 revealed that the agency’s accounting and financial control systems were in shambles.

In its first audit, the GAO found that the IRS could not account for \$4.3 billion in agency spending. During the following years, accounting failures continued to plague the agency. In 1998, the GAO found “pervasive weaknesses” in the IRS’s financial management systems that prevented it from reliably reporting on how it spent its budget. In a review of IRS collection procedures a year later, the GAO described widespread problems that “resulted in disbursements of fraudulent and other questionable tax refunds, unnecessary burden to taxpayers resulting from taxpayer receipts stolen by IRS employees, and errors or delays in posting payments to taxpayer accounts.” Taxpayers were required to keep careful track of their income, capital gains, deductions, and credits, yet the IRS could not account fully for the nearly \$2 trillion it collected every year.

In the 1990s, the IRS labored under the weight of both political hostility and its own inefficiencies and operational failures. Meanwhile, tax professionals at accounting firms, law firms, and financial institutions had started working together to create a set of sophisticated transactions that had the potential to eliminate



billions of dollars in taxes owed by wealthy individuals. The IRS, constrained by limited resources and preoccupied with ensuring that it was able to perform its basic function of collecting taxes, would be slow to identify and respond to these shelters.

THE TAX COLLECTION DINOSAUR

A big source of the problem in the 1990s was the agency's inability to upgrade its data collection and analysis systems. Through most of the last decade of the twentieth century, the agency still relied almost exclusively on paper returns to obtain taxpayer information. During tax season, thousands of employees visually scanned more than a hundred million returns, looking for obvious errors. Other employees, hired seasonally by the IRS, typed hurriedly around the clock to input data from forms into the IRS computer system. With so many returns being processed at breakneck speed, mistakes were inevitable. One study showed a 20 percent error rate in the IRS's data, half of which was attributable to the transcription process. It didn't help that the agency was using software from the 1960s, storing taxpayer information on magnetic tapes. Data transcription was charged by the line to the IRS unit seeking the information, creating an incentive to capture less rather than more information. Although Congress made piecemeal allocations to various IRS projects to modernize its computers and establish an electronic filing system, the funds were not enough to permit the agency to hire top-flight information technology expertise. The result was several failed efforts to computerize, a total of \$4 billion gone to waste, and a huge public embarrassment for the IRS.

So much money was consumed transporting, unloading, transcribing, sorting, filing, and storing paper returns that the IRS had few resources left to analyze the data it did obtain. As a result, the methodology it used to identify suspect returns was simplistic and outdated. To determine which returns to scrutinize more closely, the IRS used a rudimentary statistical method that analyzed the relationships among amounts entered on a return and compared those numbers to returns with similar incomes. This technique was developed based on large-scale comprehensive audits of taxpayers that were intended to identify indicators of inflated deductions, understated income, and other methods of tax evasion. The last time the IRS had conducted such a study was in 1988. When the IRS sought funding to update its data in 1995, Congress refused to allocate the \$400 million it requested.

For obvious reasons, the IRS kept the methods it used to identify questionable returns secret, but the technique was so crude that a statistician figured out which factors functioned as red flags by conducting regression analyses on a sample of returns, comparing those that had been selected for audit with those that had not. The statistician, author of *How to Beat the I.R.S. at Its Own Game*, advised taxpayers claiming large deductions that they could avoid being audited by doing things such as including an explanation of the deductions on the return and writing neatly.

The difficulty of verifying the accuracy of taxpayer filings was especially acute when it came to returns from high-wealth individuals and businesses. Salaried employees in the United States are subject to mandatory withholding of income tax. They also fall under a third-party reporting regime that constrains their ability to evade taxes: employers report earnings to the IRS, banks report interest earned and mortgage payments, and companies report dividends. Taxpayers earning less than a million dollars a year derive three-quarters of their income from wages so opportunities to fudge numbers are limited. In contrast, corporations and wealthier taxpayers — typically business owners, landlords, and partnership investors — have much greater control over how their gains and losses are reported. They generate and oversee the information included in partnership and other business-related forms, which provides them

with much more leeway to evade taxes. The IRS plan to update data that Congress declined to fund in 1995 would have focused on these types of taxpayers.

Despite the greater opportunities for evasion enjoyed by wealthy taxpayers and businesses, the IRS could do little with the data it did collect. Congress refused, for instance, to allocate funds to permit the IRS to match partnership filings to individual and corporate tax returns. As a result, there was no simple mechanism to pull up a partnership return, filed under one name and taxpayer identification number, and the corresponding individual or corporate return, filed under another name and identification number. In addition, the design of the original partnership returns did not correlate with specific entries on individual and corporate returns. The agency's inability to compare the information from these returns was especially significant since partnerships were a favored vehicle for the creation of tax shelters.

The difficulty of catching tax evasion among high-wealth individuals and businesses was compounded by a significant brain drain at the agency during the 1990s. One problem was compensation. The IRS had inadequate resources to offer competitive salaries to the experienced and highly trained tax professionals that it needed to recreate and untangle the sophisticated transactions that underlie complex returns. Partnership returns can run into the hundreds of pages; corporate returns into the thousands. IRS salaries were set at 50 percent of salaries in the private sector, which made it difficult to attract people with the expertise to analyze this information effectively. Another issue was the lack of prestige connected with employment at the IRS in the 1990s. In an earlier period, working at the agency was considered an opportunity for career advancement and a source of professional pride. As the IRS's failures mounted, however, it became increasingly embarrassing to be associated with it. Meanwhile large accounting and law firms were aggressively courting top IRS talent to staff their rapidly expanding tax practices.

In the 1990s, the IRS had few resources and even fewer incentives to audit wealthy taxpayers. Under a tracking method imposed by Congress, the agency's success was measured in great part by how many cases it resolved, not by how much money was brought in by tax collection. As a result, agents tended to be concerned more with moving cases through the pipeline than with spending time deciphering complex filings that might yield more tax revenues. In addition, since 1995, the IRS had been under a specific mandate from Congress to focus on audits of poor working people who may have improperly claimed the earned income tax credit available to taxpayers with income below a certain threshold.

The agency's poor performance showed in its audit rates. In the late 1970s the overall individual audit rate was about 2.5 percent. By 1996, it had declined to 1.67 percent, falling below 1 percent in 1999. Partnership returns were audited even less frequently, at a rate of half a percent. Corporations with assets over \$100 million, which had been audited in 1980 at a rate of 77 percent, were audited in 1997 at a rate of 35 percent. The overall audit rate for corporations fell by nearly a third, from 2.9 percent in 1992 to 2.0 percent in 1998. In the late 1990s, there was as great a likelihood for a person earning less than \$25,000 to be audited as a person earning more than \$100,000.

Although Congress regularly excoriated the IRS for its inadequacies, since the mid-1990s it had denied the agency the resources needed to improve performance. Resentment toward the agency and dissatisfaction with its operation culminated in the Senate hearings in 1997 and 1998. While the hearings revealed shortcomings in the IRS's operations, they mainly provided a highly visible forum for anti-tax forces to levy sensational charges about outrageous agency behavior.



THE IRS ON TRIAL

Convening the Senate hearings in the fall of 1997, Senator William Roth declared, “There is no other agency in this country that directly touches the lives of more Americans, nor is there any agency which strikes more fear into their hearts. The threat of an audit, the awesome power of the IRS, looms like the Sword of Damocles over the heads of taxpayers. As Chairman of the Senate Finance Committee, I want to know why. I wanted to understand where this fear came from. I wanted to know if it was justified.”

Several IRS agents offered testimony to the Finance Committee that described examples of ineptitude and corruption at the agency. Ostensibly fearing for their jobs and even their physical safety, they had been given permission to testify anonymously, sitting behind screens and with their voices electronically altered to prevent identification. Jennifer Long, a long-time IRS employee, testified that IRS agents fabricated evidence against taxpayers they had targeted. The agency, she said, wanted to “stick it to people who couldn’t fight back.” Other witnesses described harrowing dealings with the agency that ended in divorce, homelessness, and even suicide.

Congressional leaders decried the IRS’s “SWAT team” raids and “Gestapo-like” tactics. The news media grabbed the story and ran with it. Sound bites from the proceedings were broadcast on the evening news. Hearing witnesses appeared on Sunday morning talk shows to elaborate on their horror stories. *Newsweek* even ran a cover article coauthored by former IRS Commissioner Fred Goldberg describing how rogue auditors abused taxpayers.

The IRS’s Criminal Investigation Division (CID) was a prominent focus in this avalanche of criticism. A year after the last Finance Committee hearing, however, an independent commission charged by Congress to study the CID concluded that it was “an organization of dedicated, talented, and hardworking individuals who carry out their law enforcement responsibilities in a professional manner.” During the testimony, representatives of the IRS had sat silently by, limited by statutory confidentiality obligations that prohibited the disclosure of taxpayer information and concerned that any response to counter the charges against the agency would only serve to escalate the accusations.

The hearings also revealed useful, but much less publicized, information about the deleterious impact of insufficient resources and counterproductive incentives. IRS employees and outside experts testified that poor taxpayers “were pursued because their cases were more easily brought to a close,” which resulted in better statistics for performance reports, “while those with money to fight back sometimes were allowed to slip away without paying.” In addition, “[p]rocedures were not always followed, sometimes because of corner cutting to meet productivity demands, more often due to lack of training, which was continually cut because Congress did not pay for it.” There were also complaints that “high-level managers took care of friends and made life difficult for those they disliked.”

On May 7, 1998, in a surprising display of bipartisanship, the Senate passed the IRS Restructuring and Reform Act by a vote of 97 to 0. After the bill was reconciled with an earlier House version, President Clinton signed it into law that summer. The legislation provided that the IRS’s mandate was to restructure and revise its procedures and operations to become a more user-friendly agency. The statute also created a new oversight board, imposed new reporting obligations on the IRS, and granted taxpayers enhanced rights and protections against harassment and other misconduct by IRS employees.

The statute, in addition, contained a little-noted section that accounting firms had long favored. Riding the anti-IRS momentum, the organized accounting profession

persuaded Congress to include a provision under which communications between taxpayers and tax practitioners, including tax accountants, would receive the same confidentiality protection as traditionally afforded communications between clients and their lawyers. By expanding the universe of material that tax accountants could keep from the IRS, the statutory tax accountant privilege gave accounting firms a boost in competing with law firms for tax advice business.

The 1998 IRS Restructuring and Reform Act's emphasis on greater solicitude for taxpayers was consistent with the new IRS Commissioner's agenda. Charles Rossotti, appointed in late 1997, was the founder of a successful computer consulting company. He was the first commissioner without a tax background, but was regarded as someone who could help modernize the agency and improve its relationship with taxpayers. After passage of the 1998 Act, Rossotti revised the agency's mission statement. The stated purpose of the IRS had been "to collect the proper amount of tax revenue at the least cost" in a manner "warranting the highest degree of public confidence in our integrity and fairness." The revised statement emphasized helping Americans "to understand and meet their tax responsibilities." The IRS, mindful both of the need to modernize its operations and the beating that it had taken in Senate hearings and in the media, was required to put enforcement activities on the back burner, at least for the time being.

FROM TAX COLLECTION TO CUSTOMER SERVICE

Under Rossotti's leadership, the IRS initiated a massive restructuring and modernization. One hundred thousand employees were reassigned to divisions organized according to taxpayer types, retrained on their new job obligations, and educated about the importance of customer satisfaction. Simultaneously, the agency began shifting to new computer systems to strengthen its information tracking capabilities and expand electronic filing mechanisms, an urgent imperative given the technological fiascos earlier in the decade.

There was no question that taxpayer service was a widespread problem. The agency was doing a poor job of educating taxpayers about their filing and payment responsibilities and explaining collection procedures. One telling statistic: In 1995, taxpayers heard 400 million busy signals when they tried to call the IRS. When callers did get through, they often encountered employees who did not have sufficient knowledge — or much inclination — to assist them. Addressing these problems was a priority, but it came at significant cost. Despite its new mandate for the agency, Congress refused to increase funding. According to one source, the IRS's budget, adjusted for inflation, actually declined 5 percent between 1992 and 1999, while the number of tax returns and the amount of tax collected grew.

The reorganization significantly strained agency resources. To assist in the restructuring, the IRS hired Booz Allen, a management-consulting firm, paying it \$100 million for its services. A smaller-ticket item was a million-dollar advertising campaign emphasizing the friendlier tone at the agency. Without new funding, enforcement personnel had to be reassigned to address customer service needs. During filing season, for example, many collection employees were shifted to answering taxpayer queries. Revenue agents also had to devote many hours to participating in the reorganization process. According to Commissioner Rossotti, a year after the IRS Restructuring and Reform Act's passage, the number of staff available for audits and collections was 19 percent lower than in 1997.

Other provisions in the 1998 bill slowed collection efforts. New procedures that provided stronger taxpayer rights with regard to levies and property seizures made these processes more costly and time consuming. Training employees about new procedures took up time and resources. As Rossotti testified a year after the act was passed, taxpayer rights provisions required the equivalent of nearly 3,000 person years of staff time to comply with pro-



cedural requirements. Under the statute, the IRS was also curtailed from using lifestyle audits — targeting people who appeared to be living well beyond their means, at least as they reported on their tax returns. These had been a helpful technique to reveal tax evasion among high-wealth individuals.

The 1998 statute's disabling effects on tax collection were magnified by the inclusion of a provision known colloquially as the "Ten Deadly Sins," a list of prohibitions that would result in the dismissal of an IRS agent. The list included some clearly serious conduct, such as lying under oath; it also included other misconduct — harassing or retaliating against a taxpayer — that left broad room for interpretation. Under this provision, a taxpayer complaint could entangle an employee in a drawn-out process in which the employee had to justify her actions or risk losing her job. Appointed to be a watchdog over the agency, the new inspector general for tax administration pursued complaints aggressively. The benefit of complaining about revenue agents was not lost on taxpayers, who began to threaten and use complaints to derail the cases against them. A later investigation confirmed the widespread use of complaints as a dilatory tactic, concluding that nearly 90 percent of those brought in 2001 were meritless. One group of tax resisters filed nearly 2,000 false misconduct complaints against revenue agents as part of a fraudulent scheme to avoid paying taxes.

Given the risks of taking a hard line with recalcitrant taxpayers, the best strategy for enforcement agents was to be nice and keep their heads down. "Don't aggravate taxpayers," one agent was instructed by his manager. Another was told, "Don't probe too deeply. Just find three or four items and close the case." Talking to a reporter, one collection agent said: "Please don't call us tax collectors in the newspaper. We don't collect taxes anymore. We aren't allowed to."

The effects showed up in enforcement statistics. In the 1999 fiscal year, property seizures dropped 98 percent from the year before. Bank account levies and wage garnishments were at one quarter of the level they had been two years earlier. In 1999, the overall audit rate for individuals was less than 1 percent. Face-to-face audits declined by 40 percent. At the same time, the IRS continued to focus its audits on poorer Americans. In 1999, for the first time, taxpayers earning less than \$25,000 were more likely to be audited than those earning more than \$100,000. Since 1988, the audit rate for wealthier Americans had fallen 90 percent, from 11.4 to 1.15 percent.

During the 1980s, the agency had been perceived as doing an adequate job enforcing the tax laws, but by the late 1990s, it was behind the eight ball. Attempting to respond to the difficulties posed by limited resources, obsolete technology, and new legal constraints, it was unable to keep pace with sophisticated new schemes and techniques that might emerge to avoid paying taxes. At the same time, agency officials had little appetite to engage in aggressive enforcement activity that might risk triggering the type of public denunciation that the IRS had received on Capitol Hill and in the media.

In the meantime, wealthy individuals and corporations — with assistance from large financial institutions, state-of-the-art computer systems, and the emerging Internet — were engaging in increasingly complex business transactions. The United States was experiencing an economic boom that lifted the wealth of corporations and large numbers of entrepreneurs to new heights. In the meantime, accounting firms and law firms, under intense competitive pressures, were anxiously seeking to identify new sources of revenue. Tax strategies, sold as products to multiple clients, offered a new avenue to fuel growth and increase profits. The problem was that the profitable strategies were abusive tax shelters — transactions resulting in tax benefits that were not recognized under the law.



ALUMNI



1966



Donald O. Jansen (LL.M.) writes, “I received the Outstanding Eagle Scout Award from the National Eagle Scout Association, honoring

continued service to the scouting program, success in my career and longstanding commitment as an Eagle Scout.” Jansen is currently senior tax counsel in the University of Texas system.

1970

Alan H. Goodman was listed in the 2014 edition of *Chambers USA: America's Leading Lawyers for Business* for Louisiana in the areas of bankruptcy/restructuring and litigation: general commercial. He is a partner in the New Orleans office of Breazeale, Sachse & Wilson.

Robert Krakow helped host the D.C. premiere of his documentary film “Complicit: The Untold Story of Why the Roosevelt Administration Denied Safe Haven to Jewish Refugees” at Georgetown Law on April 17. The screening, hosted by the Georgetown Law Library and the Human Rights Institute, was followed by a discussion between Krakow and HRI Director Andrew Schoenholtz. In a separate screening of the film in Miami on May 12 — a 75th-anniversary

event with more than 600 attendees including city officials of the greater Miami area — Krakow was honored by Mayor Tomás Regalado. The documentary also won first prize at the Rhode Island International Film Festival in the “Heart, Mind, and Soul Award” category “celebrating films on the Jewish Experience” and was chosen as an official selection of the Montreal World Film Festival, which took place in late August.



I.C. (Jack) Waddey Jr., co-founder and senior attorney at Waddey Patterson, has been recognized as one of Nashville's

“Best of the Bar 2014” by the *Nashville Business Journal*. Waddey was recognized during a celebration reception at the Nashville City Club last June. Waddey was an associate editor of the *Georgetown Law Journal* during his time at the Law Center.

1972

Charles J. Muller (LL.M.), a shareholder at Chamberlain Hrdlicka, was named to the 2014 list of *The Best Lawyers in America* in the tax law practice area.

1974



Steven Lambert was named general counsel of the General Council on Finance and Administration. He is a retired partner at Foley & Lardner.



Francis X. Sexton Jr. (C'71) has joined Levine Kellogg Lehman Schneider & Grossman in Miami as a partner. Sexton

handles complex commercial litigation, products liability arbitration, business torts, professional liability, real estate foreclosure, investment fraud, trademark infringement and banking disputes. A member of both the Florida and New York bars, Sexton was previously a partner at Fowler Rodriguez Counselors at Law. For the past 20 years, he has been an arbitrator with the American Arbitration Association (AAA) and the International Centre for Dispute Resolution (ICDR).

1975



Paul W. Shaw, who recently joined Verrill Dana's health care group, was recognized by Chambers & Partners for his

representation of clients in civil and criminal fraud and abuse investigations in the health care area. He is a partner in the firm's Boston office.

1976

Floyd Ciruli has been named the director of the Crossley Center of Public Opinion Research at the University of Denver. Ciruli teaches a course titled American Public Opinion and Foreign Policy. The program was started with a generous gift from a DU alumnus and will include scholarships, speaker programs and courses. Ciruli completed a two-year term as chair of Georgetown's Law Alumni Board.

John D. Goldsmith (C'73, L'76) was elected chairman of the board of the Partnership for Maternal and Child Health of Northern New Jersey, a nonprofit organization. Goldsmith is a shareholder in the corporate practice group of Buchanan Ingersoll & Rooney, practicing in the firm's Newark office.

Samuel P. McMullen has joined Gordon Silver as a shareholder in the firm's government relations practice.

1977

Charles R. Mills has joined the board of trustees of the Benedictine Foundation, serving as treasurer, news that was reported in the Easton, Md., *Star-Democrat*. He is a partner at K&L Gates and an adjunct here.



Bruce J. Prager of Manhattan was elected member-at-large of the executive committee of the New York State Bar Association.

Prager is a retired partner and currently of counsel at Latham & Watkins. His practice encompasses international antitrust counseling and litigation with a concentration on mergers and acquisitions and joint venture antitrust issues. A 31-year member of the state bar, Prager is a member of the House of Delegates and chair of the section delegates caucus. He is a past chair of the bar's antitrust section.

1979



R. Terry Heath (LL.M.) was named an Indianapolis "Health Care Lawyer of the Year" in *Best Lawyers* 2015.

Heath is a past managing partner of Hall, Render, Killian, Heath & Lyman and the current head of its business/tax section. He has been a health care attorney since 1979, providing advice and counsel to some of the nation's largest health systems, many general and specialty hospitals, individual medical practices and health care joint ventures between hospitals and physicians.

David Weil has joined the company Starz as executive vice president and general counsel, business and legal affairs. Weil is based at the Beverly Hills headquarters where he is responsible for developing the strategic direction of business and legal affairs for the company.

1980



Louis A. Dejoie was named to the list of the 2015 *Best Lawyers in America* in the area of international trade and finance law. He is a member of the Harrisburg office of McNees Wallace & Nurick and chairs the firm's international law practice group.

1981

Bishop Dr. Cynthia King Bolden Gardner (F'78) is helping to open the Sojourner Truth Academy, a 501(c)(3) school in Leake County, Miss., "where the poverty, drop out and racial components are deplorable," she writes. For more information see www.theeaglespeaksgoodnews.com.

Alan R. Friedman has joined Fox Rothschild as a partner in the firm's New York office. Friedman focuses his entertainment practice on contract matters, copyright and trademark disputes and participation/royalty claims involving motion pictures, music releases and television shows. He was formerly a general counsel for Miramax Film Corp.

1982



Richard M. Blau has been named a "Florida Super Lawyer" for 2014 in the area of administrative law and was also recognized on the

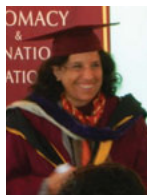
2015 *Best Lawyers in America* list of outstanding attorneys. He chairs the alcohol beverage and food department at GrayRobinson in Tampa and presides over the firm's alcohol industry team.

Scott M. Desmond has rejoined Dorsey & Whitney as a partner in the technology commerce practice of the corporate group, part of the firm's New York office. Desmond, an associate and partner at Dorsey from 1988 to 2006, was most recently a partner and of counsel at the New York office of Greenberg Traurig.



Gregory Oberland was named president of Northwestern Mutual Life Insurance, as reported in *BizTimes.com* (Milwaukee Business News). He previously served as executive vice president of products, sales and marketing.

1983



Ilise Feitshans earned a doctorate in international relations at the Geneva School of Diplomacy in June with the thesis

Forecasting Nano Law: Risk Management Protecting Public Health Under International Law. "I am often asked why I came back to school for my Ph.D. in international relations, and I say very simply, 'I don't know enough,'" says Feitshans, a former international civil servant at the United Nations with a masters of science in public health

from Johns Hopkins University. During her doctoral studies she gave over 40 seminars and webinars for lawyers, doctors, engineers and the general public about the transdisciplinary intersection of law, science, human rights and public health involved in law and policy decisions about nanotechnology. "I'm fascinated by the question, how will the benefits of nanotechnology be realized, while minimizing the risks?"

Stephen R. Kern (LL.M.'84) was named to the list of the 2015 *Best Lawyers in America* in the area of employee benefits (ERISA) law. He is a member of the Harrisburg office of McNees Wallace & Nurick and chairs the firm's employee benefits group.



Fern O'Brian has joined Sedgwick as a partner in the firm's Washington, D.C., office, focusing on regulatory matters involving product liability and toxic torts, as well as health-effects litigation. She was previously with Thompson Hine.

1969 Donald S. Burris



Donald S. Burris of Burris Schoenberg & Walden was part of a team representing Marei Von Saher in a suit against the Norton Simon Museum of Art in Pasadena, Calif. Von Saher alleged that two paintings by Lucas Cranach the Elder had been wrongly acquired by the Nazis from the family of Von Saher's deceased husband during World War II. The case was initially dismissed by the U.S. District Court for the Central District of California but was revived in June by the 9th U.S. Circuit Court of Appeals. "As attorneys for Miss Von Saher, we are very pleased that the Ninth Circuit has recognized that she deserves to have her case heard on the merits," Burris told Law360.

Newsmakers



Marvin Putnam (L'93), Deirdre Daly (L'84), Beth White (L'90), Eric S. Tars (L'04), Terrell McSweeney (L'04).

"Whither the Women's Movement," a piece by **Judith Barnett (L'85)**, appeared in *The Daily Beast* in July. "I welcome any comments, recommendations, and/or ideas from Georgetown colleagues," says Barnett, who can be reached at jbarnett@thebarnettgroup.biz.

"Six from South Jersey nominated for judgeships," an article in the *Philadelphia Inquirer* in June, featured **Gerard Breland (L'88)** and the news that New Jersey Gov. Chris Christie nominated him for a Superior Court judgeship.

"Fairfielder Deirdre Daly sworn in as first woman to be U.S. attorney in state," coverage in the *Fairfield Citizen* in May, featured **Deirdre Daly (L'84)**.

"Low-level federal judges balking at law enforcement requests for electronic evidence" and "How the legal process may unfold in Benghazi case," articles in the *Washington Post*, featured the **Hon. John Facciola (L'69)**.

A piece in the *Minneapolis Star-Tribune*, "USDA Needs to Take Steps to Stop Abuse of Animals," was written by **Bruce Friedrich (L'15)**.

The *Chicago Daily Law Bulletin* profiled **Gregg Garmisa (L'85)** in April. The article reports that Garmisa is principal and general counsel at Studio Gang Architects and the first full-time lawyer for the firm.

"Election Lawyers Leave Patton Boggs for Jones Day," coverage in the *National Law Journal*, featured **Benjamin Ginsberg (L'82)**.

"D.C. Gun Ban Ruled Unconstitutional," coverage on NPR's "Kojo Nnamdi Show" in July, featured **Alan Gura (L'95)**.

The birth of "Today" host **Savannah Guthrie's (L'02)** baby girl, Vale, on August 14 was featured in the Huffington Post, on NBC "Today" and in other media outlets.

Sam Halpert (L'14) was featured in a June HuffPost Live video, "U.N. Calls Detroit Water Shutdown Inhumane." He was one of several student co-authors of the Human Rights Institute's 2013 report, "Tapped Out: Threats to the Human Right to Water in the Urban United States."

"Sen. Hirono to Chair Judiciary Subcommittee," in the *Legal Times* in March, described **Mazie Hirono's (L'78)** role leading the Subcommittee on Oversight, Federal Rights and Agency Actions.

An April article in the *National Journal*, "Cyber Expert Helping Iranian Exiles Find a Home," featured **Jane Holl Lute (L'99)**.

"College Athletics: Athletic directors, commissioners provide insight into NCAA reform, what lies ahead," coverage in Insurance News Net in June, featured **Nancy Hogshead Makar (L'97)**.

"Senate Confirms FTC Nominee McSweeney," an article in the *Wall Street Journal*, reported in April that **Terrell McSweeney (L'04)** was confirmed to a seat on the five-member Federal Trade Commission.

"The Next Generation: They made their debut in marquee cases — and won," coverage in the *National Law Journal*, featured **Erin E. Murphy (L'06)**.

"After 30 years on Louisiana death row, inmate exonerated of murder," an article in the *Los Angeles Times* in March, featured attorney **David Aaron Novod (L'07)**.

"Wilmer Partner Joins White House Counsel's Office," a May 30 article in the *Legal Times*, featured **Jennifer O'Connor (L'96)**.

Marvin Putnam (L'93) — and his recent interview in the Spring/Summer issue of *Georgetown Law* magazine — received coverage in *Lawdragon* in August.

Adjunct Professor **Marc Rotenberg (LL.M.'13)** penned a letter to the editor of the *New York Times* that appeared in an April 11 column "Deciding Where to Set the Limits on Surveillance." He was also quoted in an April 12th *Washington Post* article. Rotenberg is president of the Electronic Privacy Information Center.

"Departing White House Counsel Held Powerful Sway," an article in the *New York Times* in April, featured **Kathryn Ruemmler (L'96)**.

"Secretary of State hopeful seeks to tighten Wyoming rules on incorporation," coverage in *The Ranger*, Fremont County's daily newspaper in May, featured **Clark Stith (L'90, G'92)**.

"Candidate profile: Dan Sullivan, Marine, and ex-resources chief, aims for U.S. Senate seat," featuring **Dan Sullivan (L'93, F'93)**, appeared in the *Alaska Dispatch News* in April. He was also featured in a *Washingtonian* article in July called "Alaska: Where the Tea Party Trail Runs Cold."

Eric S. Tars (L'04) was profiled in the *Clearinghouse Review on Poverty Law and Policy* in March and was also featured in a news story on New York Public Radio, "Reaching and Helping N.Y.'s Invisible Homeless Schoolchildren." He is a senior attorney at the National Law Center on Homelessness and Poverty.

Marion County (Ind.) clerk **Beth White (L'90)** was featured in the *Indianapolis Star*, *USA Today* and the *Los Angeles Times* for performing the first same-sex marriage ceremony in Indiana on June 25, after a federal district judge struck down that state's ban on same-sex marriages.

1984



Keith C. Jones was named to the 2015 list of *The Best Lawyers in America*. He is a partner in the Portland, Maine, office of Verrill Dana.

Alan N. Tawshunsky, the deputy division counsel/deputy associate chief counsel for employee benefits at the Internal Revenue Service, was a speaker at the 6th Annual National Healthcare Reform Conference September 20-24 in Washington, D.C.

1985



Christopher W. Mahoney has joined D.C.-based Shapiro, Lifschitz & Schram in the firm's trial practice group. He is also vice president of the firm.

1986



Bradley J. Gunnison (LL.M.) was named to the list of the 2015 *Best Lawyers in America* in the area of corporate and tax

law. He is a member of the Harrisburg office of McNees Wallace & Nurick and co-chairs the firm's business group.

Richard L. Wirthlin retired from Latham & Watkins after a 26-year career as a partner in the firm's Los Angeles office. He was the founding global chair of the firm's sports, media and entertainment practice, as well as a founding member of the international law and communications practices. Wirthlin was managing partner of Latham's Moscow office, where he oversaw the firm's Eastern European practice for four years. His practice focused on international mergers and acquisitions, media, sports, entertainment, global and complex business joint ventures, telecoms, private equity, venture capital and

international business transactions. He and Joni continue to reside in Los Angeles. They have been married for 33 years and have seven children, two sons-in-law and two grandchildren. He can be reached at rwirthlin@wirthlindentons.com.

1988

Jennifer L. Fuller (LL.M.) was recognized as "Best in Tax Dispute Resolution" by Euromoney at its 2014 America's Women in Business Law Awards, honoring the best women attorneys in North America. Fuller is a partner with the tax group of Fenwick & West in California.



Robyn Nordin Stowell, a partner in the Phoenix office of Stinson Leonard Street, has been ranked among the top legal practitioners

in the United States in the 2014 edition of *Chambers USA: America's Leading Lawyers for Business*, in the category of nationwide leisure and hospitality. Stowell represents private clubs, developers and member groups in the purchase, sale and financing of golf and club assets and turnovers in master-planned communities.

1989



Carol Steinour Young was named to the list of the 2015 *Best Lawyers in America* in the area of mass tort litigation and class actions. She is a

member of the Harrisburg office of McNees Wallace & Nurick and practices in the firm's litigation and injunction practice groups.

1990

Jeff Eichen has joined Drinker Biddle as a partner in the intellectual property group. Eichen represents clients in patent, copyright, trademark, unfair competition and trade secret litigation. He also works with clients on patent and trademark licensing and development agreements. Eichen joins the firm from Novak Druce Connolly Bove & Quigg.

In Memoriam

Robert M. Alexander Sr. (L'55)
Michael D. Berg (L'73)
Ferdinand J. Ciccarelli (L'51)
John C. Courtin (C'70, L'78)
James P. Donahue (L'96)
Christopher Paul C. Franks (L'98)
Cyril Daniel "Dan" Higgins (L'69)
Helen Higuera (L'16)
Laura Hudson (L'87)
John T. Mapletoft (L'55)
James Rogers Miller (L'55)
Albert A. Natelli (L'54)
Stanley H. Stearman (L'57, LL.M.'58)
Joseph T. Walsh (L'55)

Professor James E. Hogan (L'56)

Former Professor James E. Hogan (L'56) died December 31, 2013. He was a proud graduate of St. Ignatius High School and Loyola University, both in Chicago. He became a member of the Georgetown Law faculty immediately after graduating in 1956 and taught full-time for three years, after which he became a trial attorney and continued to teach as an adjunct. "He was my criminal law professor and one of the best professors on a dynamite faculty in the 50s and 60s," wrote J.P. Callan Sr. (F'57, L'60). Hogan later joined the University of California Davis law faculty, where he taught from 1967 to 2007.

Daniel G. Grove (LL.M.'68)

Daniel G. Grove (LL.M. '68) died on July 15, 2014, in Port Charlotte, Fla. He was a Prettyman Fellow, a team leader of the Georgetown/NITA Trial Advocacy Program from 1978 to 2003 and an adjunct faculty member who taught criminal trial practice here in the 1980s. His legal career spanned over 30 years, which included being a founding member of the law firm Price, Grove, and Engelberg, 10 years as a partner at Keck, Mahin and Cate, and stints at Winston and Strawn and at Jackson Kelly.

1991

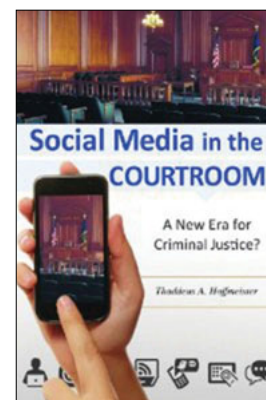
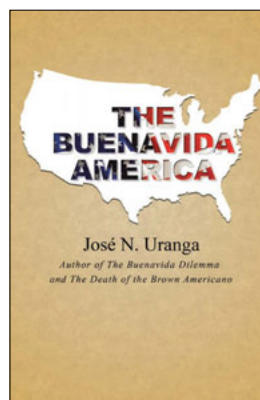
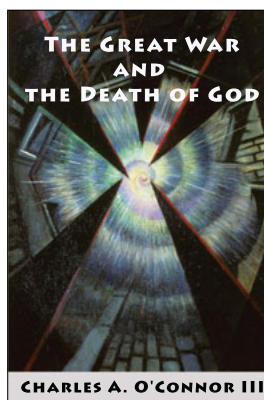
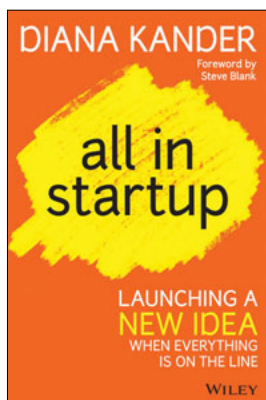
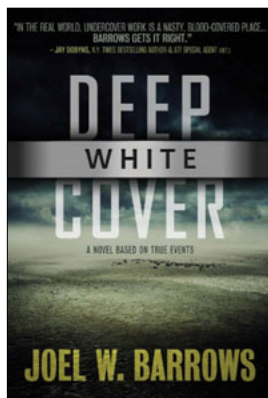


Barry J. Pollack was sworn in as first vice president of the National Association of Criminal Defense Lawyers (NACDL) at the

association's 57th annual meeting in Philadelphia in August. Pollack previously served NACDL as its

second vice president, secretary and parliamentarian and was on its board of directors. He has also served as a chair of the association's white-collar crime committee and its Department of Justice dialogue committee, and as vice chair of its national security committee. Pollack is a member at Miller & Chevalier in Washington, D.C., where he represents individuals and corporations in criminal investigations, trials and other government enforcement proceedings.

Alumni Authors



Joel Barrows (LL.M.'93) recently published a novel called *Deep White Cover* (Crime Street Press, 2014), set in the context of the immigration debate. "As America struggles to gain control of its borders, extremist anti-immigrant groups and white-supremacist hatemongers have begun to combine resources and ideologies," Barrows' website says. "These new hybrids of hate pose a rising threat, not only to the country's immigrants, but also to national security. In the first in a series of novels based on actual cases, *Deep White Cover* introduces Special Agent David Ward, ATF's most successful undercover operative." For more, see joelwbarrows.com; the novel received coverage in the (Iowa) *Quad-City Times* in July, "Crime thriller is judge's debut as author." Barrows is an Iowa district court judge who regularly oversees both criminal and civil trials.

A piece by **Amber Baylor (LL.M.'18)**, called "Showing Where We Come From – A Public Defender's Use of Video in Pretrial Plea Negotiations," appeared on Penn Law's Docs and the Law blog in June. Baylor is a fellow in the Community Justice Project clinic.

James B. Conroy (L'82) is the author of the recently published *Our One Common Country: Abraham Lincoln and the Hampton Roads Peace Conference of 1865* (Lyons Press, 2014), the first book ever written on its subject, which was featured in Steven Spielberg's film "Lincoln."

"Conroy is a terrific writer who tells the story of one of the war's least known episodes, the Hampton Roads Peace Conference. But it is the way he describes the people around Lincoln, their interaction with him and each other that

makes this such a good read. Great anecdotes — if you're like me you'll find yourself pausing every few pages and saying, 'I never knew that' — my favorite kind of book!" says Bob Shieffer of CBS News. For more reviews and other book information visit www.jamesbconroy.com. To read the Alumni Essay, which was based on this book, please turn to page 71.

Dr. Bishop Cynthia King Bolden Gardner (F'78, L'81) has penned an inspirational book called *FootSoldiers* (XLibris, June 2014). "The Saints of God are designed for purposeful action: carrying out a plan of salvation and deliverance predestined and preordained by Almighty God to set the captives, the lost, free!" the book jacket states. "In the process of helping others we run across rough terrain and stand in need of 'wheel alignment.'"

Thaddeus Hoffmeister (LL.M.'02) has published *Social Media in the Courtroom: A New Era for Criminal Justice* (ABC-CLIO, August 2014). "Professor Hoffmeister specializes in



criminal law and is particularly interested in the impact of social media on criminal law," the University of Dayton website states of Hoffmeister, who joined the faculty there in 2007. Amazon.com notes that the book "comprehensively examines the complex impacts of social media on the major players in the criminal justice system: private citizens, attorneys, law enforcement officials and

judges. It outlines the many ways social media affects the judicial process, citing numerous example cases that demonstrate the legal challenges; and examines the issue from all sides, including law enforcement's role, citizens' privacy issues and the principles of the Fourth Amendment. The author also shines a critical spotlight on how social media has enabled new types of investigations previously unimagined — some of which present ethical problems." A C-SPAN interview may be seen at www.c-span.com/thaddeushoffmeister.

Adjunct Professor **Matt Kaiser (L'02)** has published his first book, *Criminal Defense Victories in the Federal Circuits* (James Publishing, 2014), a compilation of his federal criminal



appeals blog. The blog/book is a selection of commentaries on published opinions in appeals to a federal circuit in which the defendant won. "*Criminal Defense Victories in the Federal Circuits* is not your average, run-of-the-mill case digest," the publisher's website states. "This collection of almost 200 case summaries, culled from all 11 circuits and the D.C. Circuit, is as entertaining as it is informative. Author Matthew G. Kaiser explains the law and the rationale underlying the courts' decisions in a narrative style that is smart, thoughtful, witty, and highly readable."

Diana Kander (L'05) has penned *All in Startup: Launching a New Idea When Everything is on the Line* (Wiley, June 2014). The book, a *New York Times* bestseller, received coverage in a *Kansas City Star* article entitled "Kaufmann Foundation fellow's book [takes] novel approach to startup advice."



M. Stuart Madden (L'76) has recently published two articles on ancient legal systems in the *Widener Law Journal* and the *Adelaide (Australia) Law Review*. Now semi-retired, he has also received his certification to teach English as a Second Language.

Gwendolyn R. Majette (LL.M.'08) has published a chapter, "Global Health Law Norms: A Coherent Framework to Understand PPACA's Approach to Eliminate Health Disparities and Address Implementation Challenges," in *Law and Global Health* (Oxford University Press, 2014). "This piece examines how domestic and international legal mechanisms can be integrated to use as tools to reduce health care disparities that disproportionately affect people of color," Majette explains. "In particular it examines the multitude of diverse provisions within the Patient Protection and Affordable Care Act that have the potential to reduce health disparities, the barriers to implementation of PPACA (constitutional and political challenges) and the moral imperative to reduce health care disparities consistent with global health law norms."

Rick Minor (LL.M.'94) has co-authored the second edition of his book on the VAT taxation of digital goods and services sold to consumers in the European Union. The book is called *VAT on Electronically Supplied Services to EU Consumers – A Practical Compliance Guide for Cross-Border Suppliers of Digital Goods and Services* (Spitze Publishing, July 2014). "The taxation of the digital economy is currently a hot topic in the international financial press," Amazon.com notes, adding that the EU was the first trading partner to develop VAT rules specifically for the sale of digital goods and services to EU consumers. "The European rules serve as a tem-

plate for other consumption tax and sales tax jurisdictions to enact identical or similar rules. This is the second edition of the only guide of its kind on the market for the VAT treatment of the sale of digital goods and services to EU consumers by businesses located anywhere in the world."

Charles O'Connor III (L'67, S'85, S'12) has written *The Great War and the Death of God: Cultural Breakdown, Retreat from Reason, and Rise of Neo-Darwinian Materialism in the Aftermath of World War I* (New Academia Publishing, 2014). The "War to End All Wars" did not, of course, end war, but it did have a profound effect on Western culture. "Had the war finally proven the truth of Nietzsche's prewar declaration that God was dead?" O'Connor asks in his preface. "Have modern scientific developments rendered the Abrahamic faiths and their value systems obsolete and no longer intellectually defensible?" O'Connor provides a wide-ranging look at the cultural breakdown that followed World War I and the emergence of neo-Darwinian materialism that followed by examining postwar Christian theology, philosophy, literature and art.

"Charles O'Connor's readable new book is a timely critique of scientific materialism and the cheapening effect it has had on contemporary culture. The author has no complaints about science, including evolutionary biology, but he rightly and convincingly undermines the smugness of academically sponsored materialist interpretations of scientific discoveries. What this book has and many other such critiques generally lack, is a polished awareness of how the Great War contributed to the enshrinement of materialism as an authoritative and influential cultural motif in twentieth and twentieth-first century thought and artistic expression. Strongly recommended," says Georgetown Professor Emeritus of Theology John F. Haught.

Paula Odysseos-Panayiotu (L'03) has launched a blog, legaldisruptors.wordpress.com, focusing on the intersection of law and technology — and has found plenty of interesting news to write about. "This has been a project in the works, and while doing research, I came across [a Georgetown Law] press release, and took that as a sign to get moving with this

project," Odysseos-Panayiotu wrote in July. "My first post discussed [Georgetown Law's] new Center on Privacy and Technology...this area of law is so relevant and important for all lawyers to understand."

An article by **Charles J. Sheehan (L'79)** entitled "Solicitor General Charles Fahy and Honorable Defense of the Japanese-American Exclusion Cases" was published in the October 2014 edition of the *American Journal of Legal History* (Vol. 54, No. 4). "Fahy was an alumnus of [Georgetown Law]," Sheehan explains. (Fahy received his LL.B. in 1914 and an honorary degree in 1942.) "His advocacy in those wartime cases has stirred public condemnation from powerful academic and journalistic corners as a fresh push to reverse these cases now advances toward the Supreme Court. The article assesses the historical and judicial record. It draws conclusions quite different from Fahy's many critics and introduces into the public debate facts that notable congressional, judicial and Department of Justice defenders overlooked."

Jose N. Uranga (L'72) has just published the last of his Buenavida trilogy books, *The Buenavida America* (iUniverse, April 2014). This last book highlights the Hispanic experience in the Southwest and West from 1912 to the present. While the trilogy is historical fiction, most of the described events are based on fact, presenting vignettes of events and issues affecting Hispanics in these regions from 1849 to the present. The books, including *The Buenavida Dilemma* (2003) and *The Death of the Brown Americano* (2010), are available from iUniverse, Amazon.com and Barnes & Noble in either soft cover or e-book formats. Uranga has an author website at Josenuranga.com. He is retired and lives in Sarasota, Fla., where he is a docent at the Ringling Art Museum and a guardian ad litem in state court.

Alumni Awards, Recognitions and Appointments



Rupal Shah Palanki (L'99) with her husband, Cha; Lydia Kay Griggsby (L'93); Donald B. Tobin (L'96); George J. Hazel (L'99); Robert W. Adler (L'80).

Robert W. Adler (L'80) was named dean of the University of Utah's S.J. Quinney College of Law. He joined the University of Utah faculty in 1994.

In May, President Barack Obama nominated **Bruce H. Andrews (L'97)** to the position of deputy secretary of Commerce. Andrews was confirmed in July.

Dr. Dionysia-Theodora Avgerinopoulou (LL.M.'03), a member of the Hellenic Parliament and chairperson of the Special Permanent Parliamentary Committee on Environmental Protection, was elected to the position of president of the Inter-Parliamentary Union's Standing Committee on United Nations Affairs.

Eric Bachman (L'99) has joined the U.S. Office of Special Counsel as deputy special counsel for litigation and legal affairs.

Neil J. Dilloff (L'73) has received a 2014 Burton Distinguished Legal Writing Award for his article "Law School Training: Bridging the Gap Between Legal Education and the Practice of Law," 24 *Stanford Law & Policy Review* 425 (2013). Dilloff is a litigation partner in the Baltimore office of DLA Piper.

Judge Herbert B. Dixon Jr. (L'73) is the 2014 recipient of the William R. McMahon Award, presented by the National Conference of Specialized Court Judges of the judicial division of the American Bar Association. Dixon, a judge of the Superior Court of the District of Columbia, has served as presiding judge of both the civil and multi-door dispute resolution divisions, and currently serves in the criminal division.

Donald R. Dunner (L'58) was honored in August with a 2014 Lifetime Achievement Award from *The American Lawyer* in recognition of his distinguished career as a leading expert on patent law. Dunner played an instrumental role in the creation of the U.S. Court of Appeals for the Federal Circuit and has also argued more cases than any other lawyer before that court — including the second largest patent verdict ever sustained on appeal, *i4i v. Microsoft*.

Lance A. Gable (L'01) has been named associate dean at Wayne State University Law School. He has served as interim associate dean since June 2013. Gable teaches public health law, bioethics and the law, torts and other health law subjects.

Lydia Kay Griggsby (L'93) was nominated to the U.S. Court of Federal Claims by President Barack Obama in April. Griggsby has been the chief counsel for privacy and information policy of the U.S. Senate Committee on the Judiciary since 2008.

Susan Grover (L'83), a University Professor for Teaching Excellence at William & Mary, was named the university's vice provost for academic and faculty affairs in March.

George J. Hazel (L'99) was confirmed by the Senate to serve on the U.S. District Court for the District of Maryland. Since 2011, he has served as the chief deputy state's attorney for Baltimore City; he previously served as assistant U.S. attorney for D.C. and Maryland.

Helen E. Hoens (L'79) was honored in June with the New Jersey State Bar Foundation's highest award, the Medal of Honor, for her longstanding service to the bench and ongoing dedication to the legal profession. Hoens is a former justice of the Supreme Court of New Jersey.

In March, President Barack Obama appointed **Joshua Javits (L'78)** to a presidential emergency board to help resolve an ongoing dispute between the Long Island Rail Road Company and its employees. Javits is a self-employed mediator and arbitrator for labor-management, pension, commercial, contract and a variety of other disputes. He served on presidential emergency boards in 2007 and 2009.

Thomas Krysa (LL.M.'98) was named associate regional director for enforcement in the Denver office of the Securities and Exchange Commission. He joined the Denver office in 2003 as a staff attorney.

Joyce McConnell (LL.M.'90) was named provost and vice president of West Virginia University. She has served at WVU for 19 years, the last six as dean of the College of Law.

Mildred Methvin (L'76) was appointed to Louisiana's 27th Judicial District, Division D, by the Louisiana Supreme Court in July. She served on the U.S. District Court for the Western District of Louisiana from 1983 to 2009.

R. Neil Miller (LL.M.'01) was appointed deputy secretary of finance by Virginia Gov. Terry McAuliffe. He was most recently the budget director for Virginia Commonwealth University.

Rupal Shah Palanki (L'99) was recently sworn in as a judge of the Superior Court in Connecticut, serving in Rockville. She was previously an assistant attorney general in the Connecticut attorney general's office.

Gov. Earl Ray Tomblin appointed **Robert E. Richardson (LL.M.'89)** a circuit judge in West Virginia in May. He has been engaged in the private practice of law for the last 17 years, primarily as a solo practitioner.

Janine M. Saxe (L'83) was recently reappointed to serve a second term as a Fairfax County, Va., juvenile and domestic relations district court judge. Saxe was initially appointed to the bench in 2007.

Jane C. Sherburne (L'83) was appointed to the board of directors of Teledyne Technologies. She is a principal of Sherburne PLLC.

Donald B. Tobin (L'96) has been named dean of the University of Maryland Francis King Carey School of Law. He was previously at Ohio State University, where he was the John C. Elam/Vorys Sater Professor of Law.

Staci Williams (L'84) won her race against incumbent Martin Lowy and was elected judge of the 101st Civil District Court in Dallas.

1992



Sharon Carlstedt Britton has joined Phelps Dunbar's Tampa, Fla., office as counsel in the firm's litigation group. Britton focuses on the

areas of general commercial and complex litigation, particularly in the areas of intellectual property, entertainment, contract, professional liability, health care and securities.

1993

Peter F. McLaughlin has joined the Boston office of DLA Piper as of counsel in its intellectual property and technology group. He was previously with Morrison & Foerster.



Suzanne Seltzer has been named to the 2014 International Who's Who Legal Corporate Immigration Attorneys list. She

was also named by *Human Resource Executive* magazine to its 2014 list of the nation's "20 Most Powerful Employment Lawyers" in the area of immigration. Seltzer is a partner at Klasko, Rulon, Stock & Seltzer.

Arnold Zipper has joined the Fort Lauderdale office of GrayRobinson as a new member of the corporate practice. Zipper was previously at Fowler, White & Boggs, where he handled corporate and securities law matters, with an emphasis on underwritten public offerings, private placement transactions, mergers and acquisitions, corporate reorganizations, franchising and secured financing transactions.

1994



Nigel A. Greene, a partner in the Philadelphia office of Rawle & Henderson, has been appointed vice chair of the ABA Tort Trial and

Insurance Practice Section (TIPS) Commercial Transportation Litigation General Committee for the 2014-2015 fiscal year. He focuses his

practice on the defense of commercial motor vehicles, complex commercial litigation and casualty and premises liability matters. He also serves as an arbitrator in Philadelphia County.

Edward J. Hannon (LL.M.), a partner in the Chicago office of Quarles & Brady, was elected vice chair of the Illinois CPA Society Board of Directors and will become chair of the board next year. The 19-member board leads and advises the Illinois CPA Society, Illinois CPA Foundation and CPAs for the Public Interest (CPAsPI). Board members represent various aspects of the accounting world and demonstrate a dedication to the profession.

Deven Claire McGraw (LL.M.'02) has joined Manatt, Phelps & Phillips as a partner in the firm's health care practice. She was previously with the Center for Democracy & Technology (CDT), where she served as director of the Health Privacy Project.



Robert A. Weishaar Jr. was named to the list of the 2015 *Best Lawyers in America* in the area of energy law. He is a member of the

Washington, D.C., office of McNeese Wallace & Nurick and chairs the firm's energy and environmental group.

1995



Andrea L. Ciota (LL.M.'01) is providing legal consulting services through Ciota Consulting and is affiliated with Potomac Law

Group, a District of Columbia full-service law firm, as of counsel. Ciota practices in the areas of commercial and corporate transactions, technology and business process outsourcing transactions, and intellectual property and licensing. Ciota is also working part time at her husband's investment company, Hines Wealth Management.

2014 SUPREME COURT
SWEARING-IN CEREMONY

BILL PETROS

The Supreme Court swearing-in ceremony is an annual event sponsored by the Law Center's Office of Alumni Affairs for alumni who become members of the Supreme Court Bar. The following 28 alumni took part in this year's ceremony on June 23.

Paul G. Afonso (L'89)	J. Crilley Kelly (L'73)
L. Maxwell Anastopoulos (L'89)	Joseph A. Lenczycki Jr. (L'73)
Joshua A. Bachrach (L'09)	David C. Mancini (L'84)
Brett A. Baer (LL.M.'04)	Catherine Mandell (B'06, L'09, LL.M.'10)
Louis J. Briskman (L'73)	Andrew Nyombi (LL.M.'13)
Todd Castleton (LL.M.'99)	Norman H. Pentelovitch (L'09)
Lisa Nicole Collins (F'01, L'04)	Martha L. Rees (L'84)
Laura Denise Compton (L'05)	Claudia G. Regen-Johnston (L'94)
Rafael DeLeon (L'84)	Alexander Patrick Russo (MSFS'01, L'01)
Carole Green Gelfeld (L'74)	Aja P. Sae-Kung (L'09)
Alisa M. Goodwin (L'09)	Matthew L. Tuccillo (L'99)
Rebecca Gray (L'08)	Shoba Sivaprasad Wadhia (L'99)
EunHee Han (L'07)	Parastoo G. Zahedi (L'88)
Pamela Nicole Hirschman (L'04)	
Li C. Jialue (L'10)	



Susan M. Guerette of Fisher & Phillips was named a Pennsylvania Super Lawyer for 2014. Guerette has a national

practice representing management on a wide range of labor and employment matters and is also a member of the firm's education practice group, which represents private educational

institutions in employee, student and board issues. She practices in the firm's Philadelphia office.



Dena H. Sokolow (LL.M.) has joined the Tallahassee office of Baker Donelson as a shareholder and a member of the firm's labor and employment group.

1996

Kathryn Ruemmler rejoined Latham & Watkins in July as a partner in the litigation department and as a member of the white-collar defense and investigations practice group. Ruemmler returns to the firm after more than five years of government service, most recently as counsel to the president of the United States.



Terry Turnipseed (LL.M.'98) writes, "I have been a professor at Syracuse Law for 10 years now. I just finished with our inaugural class

of the Syracuse Law Semester in D.C. Program, a long-distance full-time immersion externship program for 25 Syracuse Law students per semester (or about 70 per year). I was named the founding director of the program last March. I fly to D.C. two to three times per month to teach a Washington Lawyer Seminar associated with the externship. Our students work full time for high-level federal government, nonprofit, judicial, in-house and law firm placement attorneys."

John K. Wilson has been recognized as a leading lawyer in his field in the 2014 edition of *Chambers USA: America's Leading Lawyers for Business*. Wilson specializes in corporate/mergers and acquisition law. He is a partner at Foley & Lardner's Milwaukee office and is a resident of Brookfield, Wisc.

1997

Jeffrey Rothschild (C'93, B'97) has joined the corporate department of McGuireWoods as a partner in the firm's New York office, representing financial advisers in securities and corporate matters, as well as handling private and public mergers and acquisitions transactions.

1998

Ashley Robert Altschuler has joined the litigation practice of DLA Piper as a partner in Wilmington, Del., with an office also in New York. He

is a seasoned practitioner with more than 15 years of experience litigating corporate, securities and complex business matters at the trial and appellate levels in state and federal jurisdictions across the United States, including the Delaware Court of Chancery and the Delaware Supreme Court.

Louis Lopez (LL.M.) was appointed the associate special counsel at the U.S. Office of Special Counsel, which enforces various employment laws applicable to the federal government. Previously, Lopez served as deputy chief of the employment litigation section of the civil rights division at the U.S. Department of Justice. He is an adjunct professor at the Law Center.

1999

Joseph R. Waala was promoted in March to senior counsel (formerly counsel) in the Office of General Counsel of PPL Services.

2000



Jonathan Lopez, an inaugural deputy chief of the Department of Justice's money laundering and bank integrity unit and a former

senior trial attorney in the DOJ's criminal division, fraud section, has joined Orrick. He practices in the firm's white-collar practice group as a partner, resident in its Washington, D.C., office.

Jason Winter is a co-chair of the legal malpractice group at Reminger. His practice focuses on the defense of a wide range of professional liability, commercial, casualty and white-collar criminal matters, with an emphasis on the defense of legal malpractice and catastrophic injury disputes.

2001

Ralph Winnie (LL.M.), director of global business development and the Eurasian Business Coalition's China program, participated in a panel called "Scrambled Eggs: Economics for Breakfast" on May 16. He was

also featured in a RIA Novosti article called "Russia, China, U.S. Need To Collaborate on Cyber Security to Safeguard Trade"; quoted in several articles in the Asia Pacific Defense Forum on Indonesia and appeared on CCTV commenting on Chinese President Xi Jinping's South Korea visit.

2002

Vance Antonacci (LL.M.) was recognized as a "Pennsylvania Rising Star" for 2014 in the area of estate planning and probate. He chairs the estate planning practice group at McNees, Wallace & Nurick.



Jamie B. Beaber (LL.M.) has joined Mayer Brown as a partner in the firm's Washington, D.C., office. He was previously a partner at Steptoe & Johnson.

Jason Blackberg was appointed senior vice president, general counsel of Acadia Realty Trust. He was previously with Davis Polk & Wardwell.

Anthony F. Cavanaugh has joined the business litigation practice at Arnold & Porter, working in the firm's Washington, D.C., office.



Grace Shie has joined Mayer Brown as a partner in its Washington, D.C., office. Shie, who is fluent in Mandarin, has held leading global immigration positions in both Washington, D.C., and Hong Kong. She serves as a global leader in the firm's global mobility practice, focusing on inbound and outbound Asian migration.



Patrick Wojahn was recognized by the LGBT Bar as one of the top LGBT lawyers under 40. He is the director of government relations at Rails-to-Trails Conservancy in Washington, D.C.

2003



Devin Chwastyk was recognized as a "Pennsylvania Rising Star" for 2014 in the area of business litigation. He practices in the litigation

department at McNees, Wallace & Nurick and is also a member of the appellate and post-trial practice and education law groups.

David Fauvre has been elected counsel at Arnold & Porter. His practice includes complex commercial litigation, white-collar criminal defense matters and business and political law counseling. A member of the firm's business litigation group in Washington, D.C., Fauvre represents companies and individuals in criminal investigations and state attorney general actions with a particular focus on representing companies in the pharmaceutical industry.



Brian K. Friedman was recognized by the LGBT Bar as one of the top LGBT lawyers under 40. He is litigation counsel at JetBlue Airways.

Lonnie Giamela has been named to the "2014 Southern California Rising Stars" list by Super Lawyers. Giamela is a partner at Fisher and Phillips. He represents clients from small businesses to Fortune 500 companies in issues ranging from fair employment to intellectual property, wage and hour, independent contractor classification and medical leaves.

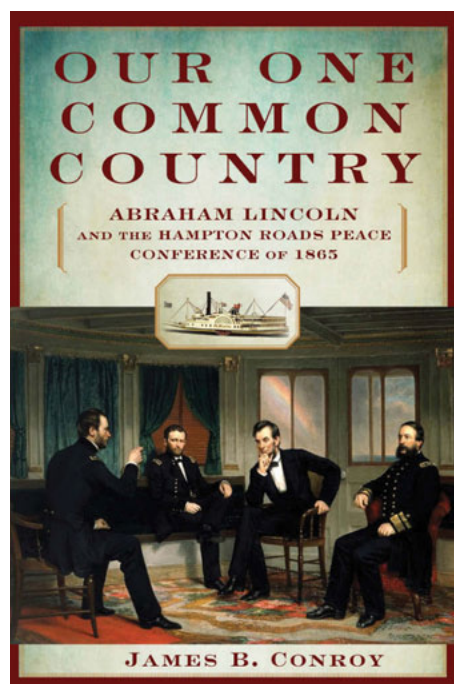
2004



Phillip Bower was named to *In Business* magazine's 2014 "Class of 40 under 40." The issue celebrates the success of 40

rising young business stars in the Madison, Wisc., area. Bower is a shareholder in the Madison office of Whyte Hirschboeck Dudek.

Learning from Lincoln



By James B. Conroy (L'82)

In the summer of 1850, Abraham Lincoln dispensed a bit of wisdom to a group of aspiring lawyers. “Discourage litigation,” he said. “Persuade your neighbors to compromise. Tell them how the nominal winner is often the real loser, in fees and wasted time. As a peacemaker, the lawyer has a superior opportunity to be a good man.”

On February 3, 1865, Lincoln became a peacemaker on the verge of winning a war. Accompanied by his Secretary of State William Seward, another former litigator fond of compromise (“I fear, abhor, detest, and loathe litigation”), Lincoln met with three Confederate leaders on the presidential steamboat *River Queen* at Hampton Roads, Virginia. Alexander Hamilton Stephens, Jefferson Davis’s eccentric vice president and a distinguished Georgia lawyer, had been Lincoln’s admiring ally in the Congress of 1847-49. Seward’s old friend, Senator Robert M. T. Hunter of Virginia, had found the law “a little seda-

tive,” but the brilliant Alabamian John A. Campbell, a former justice of the United States Supreme Court, had worked hard with Seward to avert civil war. Able lawyers all, they had come together now in search of a way out.

Lincoln’s reelection and a string of Union victories having all but won the war, Lincoln was eager to end it, but Jefferson Davis would not negotiate for anything short of independence and Lincoln would not negotiate with Davis at all, as if he led a sovereign power. Under international law, Lincoln said, a war of conquest could not be just, and the rebellious states had never truly left the Union.

Lincoln’s Secretary of the Navy Gideon Welles, “a man of no decorations,” understood the President’s dilemma. “He says he cannot treat with Jeff Davis and the Jeff Davis government, which is all very well, but who will he treat with, and how commence the work?” The work commenced with a harebrained scheme for a joint invasion of Mexico by Union and Confederate troops contrived by Francis Preston Blair, an aged mentor to Lincoln and Davis alike, improbably abetted by Ulysses S. Grant, who pulled the combatants to the bargaining table.

The reunion was a meeting of old friends but also a lawyerly negotiation. Protecting his core interests, offering his adversaries what he could, Lincoln spoke of pardoning them for “the highest crime known to the law,” suggested the possibility of abolishing slavery gradually, and preserved their pride. The North was as responsible for slavery as the South, he said. Northern traders had sold the slaves to the South, and if the North should take them back again, it was only fair to pay for them.

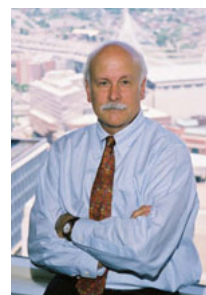
In the end, fundamentals killed the deal. The restoration of “our one common country,” Lincoln said, “is a sine qua non

for me,” and Davis had instructed his emissaries to insist on two.

Reluctant to give up, Lincoln returned to Washington with a plan. If the rebels accepted reunion and emancipation, he would pardon their political crimes, ask Congress to appropriate \$400 million to their states, and restore their confiscated property. Lincoln’s Secretary of the Interior, who had ridden the circuit with him, was convinced that the president would have taken his proposal to Capitol Hill if a single member of his Cabinet supported him. Not a single member did. To coddle these traitors on the edge of their defeat would destroy his presidency, they said. Lincoln “brought a long sigh” and folded up his plan. “You are all against me.”

The war continued pointlessly for two and a half months, another 10,000 young Americans died, Lincoln’s own life was lost, and the South remained an occupied enemy for years to come. A century of bitterness followed. The winner, as Lincoln had suggested in 1850, might well have done better by compromise.

How often can we say that our clients should not have compromised before a disagreement became a lawsuit, assisted by their lawyers’ superior opportunities to be good men and women? As a nation, how little have we learned of the perils of rejecting compromise for our one common country?



James B. Conroy (L'82) is the author of *Our One Common Country: Abraham Lincoln and the Hampton Roads Peace Conference of 1865* (Lyons Press, 2014). He was recently elected a fellow of the Massachusetts Historical Society.

Gifts in Action

The “Founding Mothers” Help Others

GEORGETOWN LAW
SCHOLARSHIP RECEPTION
MARCH 20, 2014



Judith Barnett (L'85), Susan Oldham (L'85), Monique Boyce (L'15), Eliana Sachar (L'85) and Director of Alumni Career Services Marilyn Tucker.

When Susan Oldham (L'85), Judith Barnett (L'85), Joan Wise (L'84) and their Law Center friends came of age, women were expected to be teachers, social workers or nurses — not lawyers. “The idea of law school was not on our radar screen,” Oldham says. So they married, worked and started families. By the time they were in their 30s, however, they were ready for new challenges and had broadened their horizons to consider other career options they could pursue.

Still, they were not typical students when they enrolled at Georgetown Law in the early 1980s. “We were there when the average student was right out of college,” says Oldham, who is now a tax attorney specializing in estate planning. “But we

were there with other accessories, like children, husbands and mortgages. It didn't take us long to find one another.”

One of the first people Oldham found was Barnett, a 35-year-old single mother who did public affairs work at the Federal Trade Commission during the day and went to law school at night. Money was tight, and Barnett couldn't afford childcare. She was, she recalls later, “keeping it all together with gum and toothpaste.”

Barnett had noticed here and there on campus other women of a certain age, which sent her organizer genes into overdrive. “I had put together different groups before as part of the women's movement in the 1960s and '70s,” says Barnett, now an international business lawyer and trade

consultant. “And I saw this group of older women who had returned having never had a first chance.”

Before they knew it, Oldham and Barnett — on top of working, raising kids and going to law school — were also founding a group called Women in Law as a Second Career. It featured monthly programs and mentoring — and most important, friendship and support.

“I call them the founding mothers,” says Director of Alumni Career Services Marilyn Tucker. Tucker, who was then a career counselor for students, helped plan programs for the women — speakers who could talk about starting a law career later in life, for instance — and because Tucker

was, as she puts it, a “like-kind” person, she became part of the group, too. (And not just any part; Oldham and Barnett both call her “the linchpin.”)

Joan Wise remembers meeting Susan Oldham one day before their criminal procedure class began, and she got to know Barnett and Marlene Beckman (L’85) in a study group for civil procedure. Another founding member, Diana Engel (L’83), was a year ahead of Wise; they had gotten to know each other when their kids were in the same nursery school but had lost touch.

That Wise was in law school at all she attributes to serendipity. She walked into the LSAT without any preparation for the test. “It was too late to register but the woman said that some people don’t show up and they would have extra packets,” explains Wise, who went on to become executive vice president and general counsel of AARP, an organization she served for 23 years before retiring in 2010.

In addition to the usual experiences that draw students close during law school — study groups and tough classes — the “founding mothers” also drew close to each other because they were raising kids. Oldham had a daughter in elementary school and a son in preschool when she started law school. Wise’s sons were in sixth and ninth grades at the time.

“My daughter was seven when I started law school,” Barnett says. “She came to class with me most nights. She sat beside me and colored and sometimes she talked to me. When she wanted something she would ask me a loud question ... and then I’d have to bribe her — or let’s say entice her — till recess when she could go down and play video games. ... Father Drinan would often ask, ‘What’s going on in the back row?’ He was special to her, and they had wonderful conversations.”

Oldham remembers one snow day when she took her children to the late Professor Steve Goldberg’s contracts class. “He was the most amazing professor, a real favorite, and had young children, too,” Oldham recalls. “So he welcomed [mine], and later on they asked me questions that showed they understood what he said.”

Apparently the children were paying attention: Barnett, Oldham, Tucker and Wise all have offspring who earned J.D.’s from Georgetown.

The Women in Law as a Second Career group lasted roughly 10 years at the Law Center, Tucker says, from the early 1980s to the early 1990s — although the “founding mothers,” a group that in addition to Beckman and Engel also includes Noel Brennan (L’85), Martha Kendrick (L’85) and Eliana Sachar (L’85), had all graduated by the mid-1980s. But the women stayed close to the Law Center and to each other, and a few years ago the donations they’d been making individually to the Law Center became the Woman in Law as a Second Career Scholarship with Monique Boyce (L’15) as its first recipient.

“The scholarship idea came from our desire to help those trying to do the same thing [we did],” Oldham says. “We were trying to do something for those kindred spirits who came later.” The scholarship didn’t happen overnight, she adds. In the beginning no one had much to give, but now “we’ve reached the level where it will be endowed, and I think everyone is re-energized. ... I know that several of us have the scholarship in our trusts, and many of us are able to do more ... that over the years will add to the fund.”

The scholarship has not only helped make law school possible for Boyce; it has also inspired her. “I had considered not

following through with my dream of going to law school because of the fear that I might be too old,” Boyce says. Instead, the gift “helps affirm my belief that it’s never too late to start over. I’m glad I took the leap, and appreciate the opportunities the scholarship has afforded me.”

While having a scholarship recipient has given these alumnae another shared purpose, they’ve hardly needed it. Simply being friends, close friends, for three decades has been enough. They have attended family weddings, baptisms, bar mitzvahs and funerals. They have endured hardships together — serious illness and deaths in their families. “This has been an unbelievable support group,” Tucker says.

Though they came late to the legal field, these alumnae have had remarkable career successes. They serve in high-level government positions, as partners in law firms and as principals of their own successful businesses. But they’ve always made time for each other: weekend getaways to the beach, pool parties and dinners out. They even walk together every Saturday on the Capital Crescent Trail, which runs from D.C. to Silver Spring.

As someone who’s been at the Law Center for several decades, Tucker says she’s never seen anything quite like this bunch: “They support each other; they rely on each other.” And because they did — and still do — now others can rely on them.

CONTINUING LEGAL EDUCATION CALENDAR FALL 2014-SPRING 2015

SEPTEMBER

10

Global Antitrust Enforcement Symposium
LAW CENTER

12-13

Law Firm General Counsel Workshop
LAW CENTER

OCTOBER

24

Bankruptcy 2014: Views from the Bench (co-sponsored by the American Bankruptcy Institute)
LAW CENTER

NOVEMBER

7

Patent Law and Policy Conference (co-sponsored by the Berkeley Center for Law and Technology)
LAW CENTER

13-14

Hotel and Lodging Legal Summit
LAW CENTER

20-21

Advanced E-Discovery Institute 2014
RITZ-CARLTON, TYSONS CORNER

FEBRUARY

26-27

International Trade Update 2015
LAW CENTER

27-March 1

Law Firm Leadership: Developing Effective Skills for Leading and Managing Lawyers
LAW CENTER

MARCH

12-13

Corporate Counsel Institute 2015
LAW CENTER

APRIL

23-24

Representing and Managing Tax Exempt Organizations 2015
RITZ CARLTON, TYSONS CORNER

24

Regulating Legal Services in the 21st Century: The English Revolution and Beyond
LAW CENTER

MAY

20-21

Cybersecurity Law Institute
LAW CENTER

31-June 5

eDiscovery Training Academy
LAW CENTER

Eric J. Goldberg recently joined the law firm of Littleton Joyce Ughetta Park & Kelly as a partner in its New York City office. "It's a litigation boutique with five offices around the country that focus on complex commercial litigation, with an emphasis on products liability defense," he writes. "Prior to joining Littleton Joyce, I was with Pepper Hamilton."

Durham C. McCormick (LL.M.) has joined McGuireWoods' tax and employee benefits department as a partner in the firm's Houston office. McCormick comes to McGuireWoods from the Seattle office of Gordon Thomas Honeywell.

Joshua B. Pond has joined Kilpatrick Townsend & Stockton, working in the firm's Washington, D.C., office. Pond is a partner in the intellectual property department and a member of the patent litigation team.

2005

Patrick Oot (LL.M.) has joined the Washington, D.C., office of Shook, Hardy & Bacon as a partner in the eDiscovery, data and document management practice. Oot comes to the firm from his position as senior special counsel for electronic discovery in the U.S. Securities and Exchange Commission's Office of the General Counsel.

2006



Adam M. Lusthaus has joined the wills, trusts, and estates department of Greenspoon Marder. He concentrates his

practice in the areas of estate planning, probate and trust administration, business succession and tax planning, and tax-exempt organizations.

Gordon R. Smith was recognized as a leading lawyer by Chambers & Partners in the field of environmental law. He practices at Verrill Dana in Portland, Maine.

2007

Joshu Harris has joined the Norfolk County, Mass., district attorney's office, covering the southern suburbs of Boston. He was also appointed to the American Bar Association's Stand your Ground Legal Standards Committee. Harris published an article in the Spring 2014 issue of *The Philadelphia Lawyer* called "Becoming a More Effective Lawyer By Becoming a More Ethical Lawyer: An Appellate Lawyer's Perspective."

Nury Yoo has been appointed to serve on the board of the Albuquerque Bar Association. She is an attorney with Brownstein Hyatt Farber Schreck.

2009

Nicholas C. Wittich was named a "Texas Rising Star," reserved for the top Texas attorneys who are 40 years old or younger, or have been in practice fewer than 10 years. He is an associate at Winstead.

2010



Andrea Baron (LL.M.'10) has joined the finance and acquisitions department of Davis Graham & Stubbs as an associate. Baron

focuses her practice on investment management and securities law.

Bradley R. Gardner has joined the Kansas City office of Polsinelli, working in the firm's loan enforcement practice.



Jacqueline R. (Ambrose) Root, a medical malpractice associate in the Tampa office of Roig Lawyers, has been selected as a "Model of

Success" by the Dunedin Fine Art Center. The Center hosts an annual "Wearable Art" show, showcasing designs of 10 artists; young professionals in the community were selected to model the artists' designs. Root modeled the designs of Lina Teixeira at the August fundraiser.

2011

Seth Engel was sworn in as an Avocat à la Cour d'appel de Paris (the Paris Bar). "The swearing-in ceremony was fantastic, complete with inspiring speeches, great friends, impressive locales, and a brigade of bright, freshly-minted French attorneys," he writes.

John Freese has joined Kirkland & Ellis as a corporate associate in the New York office. He was previously with Simpson Thacher and Bartlett.

Martha Goodman, an associate at Boies Schiller and Flexner in Washington, D.C., and Swathi Bojedla, an associate at Hausfield, were part of a

team representing a group of current and former college athletes in their antitrust lawsuit against the National Collegiate Athletic Association. The plaintiffs prevailed in the U.S. District Court for the Northern District of California in August. They were the only two associates on the trial team, Goodman says. "I know that my training at Georgetown Law well prepared me for the fast-paced work that trial entails," she notes.

Roger Gordon was named one of the "100 Most Creative People in Business" by Fast Company. Gordon is the co-founder and president of Food Cowboy, which assists truckers in delivering unneeded food to shelters.

2012



Michael A. Sisitzky was recognized by the LGBT Bar as one of the top LGBT lawyers under 40. He was previously a staff attorney at Immigration Equality in Washington, D.C., and is now policy counsel at the New York Civil Liberties Union, where he focuses on education reform and efforts to protect students' privacy rights.

2013



Andrew Rusniak (LL.M.), an attorney with the law firm of McNeese Wallace & Nurick, has been elected to the board of directors of the Lancaster County (Pa.) Estate Planning Council. He will serve on the board of directors through 2017. Rusniak is a member of the estate planning and business counseling practice group in the firm's Lancaster office.

2014

Aaron E. Reichlin-Melnick was awarded an Immigrant Justice Corps fellowship, the country's first fellowship program dedicated to meeting the need for high-quality legal assistance for immigrants seeking citizenship and fighting deportation. He is one of 25 Justice Fellows for 2014.

David Wilkins (C'11) was awarded an Immigrant Justice Corps fellowship, the country's first fellowship program dedicated to meeting the need for high-quality legal assistance for immigrants seeking citizenship and fighting deportation. He is one of 25 justice fellows for 2014.

2015

Caroline Hecklen was chosen to join the Gideon's Promise Summer Law Clerk Program in 2014. The clerks will assist public defender offices in the Southeast that partner with Gideon's Promise, a nonprofit organization working to mobilize and train public defenders to provide the highest quality representation to people unable to afford an attorney.

Pierre Hines was awarded one of six Diversity Scholarships from Latham & Watkins in March. A graduate of the U.S. Military Academy at West Point with a B.S. in economics, Hines is currently earning his law degree at Georgetown. A former captain with the U.S. Army Intelligence Center of Excellence, Hines traveled to army bases in the United States and abroad to oversee the training, quality assurance and development of intelligence sensors. Hines recently completed an externship at the U.S. Securities and Exchange Commission.

2016



Noah Gimbel (F'10) was awarded a 10-week summer fellowship from the Peggy Browning Fund, which supported approximately 70 public interest labor law fellowships nationwide in 2014. He spent the fellowship at CASA de Maryland in Silver Spring.

2005 Damcho Dorji (LL.M.)



Damcho Dorji (LL.M.) writes, "I was a district judge in Bhutan when I [came to Georgetown Law] on a partial scholarship. I was then the first and only Bhutanese student. In 2006 I was appointed the first attorney general of Bhutan, after returning from Georgetown." In 2007, Dorji resigned from that post to take part in the first parliamentary elections of 2008. "I joined the People's Democratic Party and got elected but our party lost to the Druk Phuensum Tshogpa and I was in the opposition from 2008 to 2013. ... Our party came back in the 2013 parliamentary elections and won by a thumping majority. I have been elected by my party to the cabinet as a minister; I am presently the minister for home and cultural affairs until the next national elections in 2018. I would like to extend a warm welcome to any faculty or alumni who wish to visit Bhutan and will extend all possible assistance. I wish everyone at Georgetown Law as well as all alumni all the best in life!"

ACROSS CLASSES

Seven Georgetown Law alums — including Professor **Kristin Henning (LL.M.'97)** (see page 6) were included in Lawyers Of Color's *Law School Diversity Issue*, naming 50 professors under 50 who are standouts in their fields. Also included on the list were **Osamudia James (L'04)**, **Kimani Paul-Emile (L'96)**, **Jaya Ramji-Nogales (LL.M.'06)**, **Tuan Samahon (L'00)**, **Anthony Varona (LL.M.'96)** and **Ryan Williams (L'04)**.

LAW FIRM CHALLENGE

June 30 marked the end of another successful Law Firm Challenge competition, with 44 percent of alumni at participating firms contributing a total of \$1,052,243 to the Law Center. Each year, the Challenge serves as an opportunity for Georgetown Law alumni to stay connected to the institution, while providing critical financial support to many of its core programs, including financial aid, clinics, journals and more.

Nine firms reached 100 percent alumni participation in 2013-14: DLA Piper, Debevoise & Plimpton, Hollingsworth, Keller and Heckman, Murphy & McGonigle, Simpson Thacher & Bartlett, Stearns Weaver Miller, Venable, and Williams & Connolly.

The firms that raised the most money for the Law Center (in groups based on the number of alumni they include) are: Group 1 (30 or fewer alumni) — Williams & Connolly; Group 2 (31-54 alumni) — WilmerHale; and Group 3 (55 or more alumni) — DLA Piper.

Thank you to everyone who participated, especially those who serve as firm agents (listed below). A special note of gratitude to Jud Starr (L'75), chair of the Law Firm Challenge, whose appreciation for Georgetown Law and commitment to its mission make him a model alumnus and volunteer.

For more information about the Law Firm Challenge and to follow your firm's performance throughout the year, please visit <http://www.law.georgetown.edu/law-firm-challenge>. Also, feel free to direct questions about the program to Dave Stone, associate director of the Law Annual Fund, at 202-662-9500 or das78@law.georgetown.edu.

Akin Gump Strauss Hauer & Feld

Firm Participation Rate: 33%

FIRM AGENTS:

Charles Franklin (L'03)
Emily Fuller (L'10)
Rich Rabin (L'93)
Christopher Spicer (L'05)

Alston & Bird

Firm Participation Rate: 8%

FIRM AGENTS:

Pat Flinn (L'82)
Diego Marquez (L'07)

Arent Fox

Firm Participation Rate: 39%

FIRM AGENT:

Matt Nolan (L'86)

Arnold & Porter

Firm Participation Rate: 45%

FIRM AGENTS:

Christina Brenha (L'11)
Pat Grant (C'73, L'77)
Mike Johnson (L'97)
Whitney Moore (L'04)
Darren Skinner (L'95)

Baker & McKenzie

Firm Participation Rate: 21%

FIRM AGENTS:

Scott Brandman (L'93)
Daniel De Deo (L'08)
Colin Murray (C'88, L'91)
Kent Stackhouse (L'12)

Baker Hostetler

Firm Participation Rate: 71%

FIRM AGENTS:

Jim Day (L'06, MBA'07)
Jeff Paravano (L'91)
Jennifer Walrath (L'07)

Ballard Spahr

Firm Participation Rate: 27%

FIRM AGENT:

Joe Fanone (C'71, L'74)

Bingham McCutchen

Firm Participation Rate: 30%

FIRM AGENTS:

Elizabeth Baird (L'96)
Rick Rothman (L'89)
Erald Sakiki (L'07)

Bracewell & Giuliani

Firm Participation Rate: 53%

FIRM AGENT:

Cathy McCarthy (L'93)

Chadbourne & Parke

Firm Participation Rate: 37%

FIRM AGENT:

Andrew Giaccia (C'81, L'84)

Cooley

Firm Participation Rate: 50%

FIRM AGENTS:

Jim Fulton (F'89, L'95)
Chris Hutter (L'97)

Covington & Burling

Firm Participation Rate: 44%

FIRM AGENTS:

John DeBoy (L'09)
Kathleen Gallagher-Duff (L'84)
Lynn Neils (L'89)
Paul Rogers (L'85)

Crowell & Moring

Firm Participation Rate: 22%

FIRM AGENTS:

Phil Inglima (C'84, L'88)
Mike Lieberman (L'08)

Davis Wright Tremaine

Firm Participation Rate: 44%

FIRM AGENTS:

Clayton Graham (L'06)
Jim Smith (C'76, L'80)

Debevoise & Plimpton

Firm Participation Rate: 100%

FIRM AGENTS:

Ada Fernandez Johnson (L'98)
Kevin Rinker (L'99)
John Vasily (L'82)
Erica Weisgerber (C'05, L'08)

Dechert

Firm Participation Rate: 26%

FIRM AGENTS:

Laura Brank (L'91, MS'91)
Brenden Carroll (L'08)
Josh Hess (L'01)
Sue Nieto (C'04, L'10)
John O'Hanlon (F'84, L'89)

Dentons

Firm Participation Rate: 48%

FIRM AGENTS:

Guly Sabahi (L'02)
Darryl Sragow (L'82)
Clint Vince (L'74)

Dickstein Shapiro

Firm Participation Rate: 43%

FIRM AGENT:

Lisa Marie Kaas (L'04)

DLA Piper

Firm Participation Rate: 100%

FIRM AGENTS:

Bret Lowell (L'78)
Lee Miller (B'69, L'73)

Duane Morris

Firm Participation Rate: 87%

FIRM AGENTS:

Stephanie Kosta (L'02)
Dan Toomey (L'67)

Foley & Lardner

Firm Participation Rate: 18%

FIRM AGENTS:

Nick Austin (L'09)
David Ralston (F'76, L'79)
John Wilson (L'96)
Torrey Young (L'11)

Gibson, Dunn & Crutcher

Firm Participation Rate: 97%

FIRM AGENTS:

Rob Blume (L'92)
Michael Diamant (F'00, L'03)
Matt Dubeck (L'05)
Mary Kay Dunning (L'04)
Nicola Hanna (L'87)
Joe Warin (L'75)

Goodwin Procter

Firm Participation Rate: 32%

FIRM AGENTS:

Jamie Hutchinson (L'93)
Siobhan Murphy (L'01)
Regina Pisa (L'82)
Erin Svokos (L'12)
Matt Walsh (L'06)

Greenberg Traurig

Firm Participation Rate: 19%

FIRM AGENTS:

Ian Ballon (L'88)
Albert del Castillo (C'79, L'82)
John Elliott (L'05)
Steven Fleissig (L'76)
Becky Manicone (F'93, L'97)
Claude Wild (L'75)

Hogan Lovells

Firm Participation Rate: 41%

FIRM AGENTS:

Meghan Edwards-Ford (L'08)
Bill Ferreira (L'05)
Cole Finegan (L'86)
Beth Halpern (L'03)
Jenna Jacobson (C'09, L'13)

Arthur Kim (L'13)

Kristen Lam (B'05, L'08)

Elizabeth Meers (L'80)

Samantha Sewall (L'12)

Marcia Wiss (F'69, L'72)

Will Yavinsky (L'08)

Holland & Knight

Firm Participation Rate: 40%

FIRM AGENTS:

Tom Brownell (L'78)
Bob Craft (L'68)
Jonathan Epstein (L'95)
Albert Tellechea (L'75)

Hollingsworth

Firm Participation Rate: 100%

FIRM AGENTS:

John Kalas (L'10)
Jim Sullivan (L'04)

Hunton & Williams

Firm Participation Rate: 43%

FIRM AGENTS:

Mark Bierbower (L'79)
Laura Jones (L'98)
Patrick McDermott (L'10)

Jones Day

Firm Participation Rate: 38%

FIRM AGENTS:

Jim Beh (C'81, L'84)
Kris Garcia (L'05)
Rich Kosnik (L'82)
Kevin McIntyre (L'88)

K&L Gates*Firm Participation Rate: 29%***FIRM AGENTS:**

Shawn Helms (L'00)
 Brian Koosed (L'05)
 Steve Palmer (L'83)
 Jessica Pearlman (L'99)
 Robert Womble (L'82)

Katten Muchin Rosenman*Firm Participation Rate: 69%***FIRM AGENTS:**

David Halberstadt (L'82)
 Anna-Liza Harris (SFS'83, L'89)
 Noah Leichtling (L'00)

Keller and Heckman*Firm Participation Rate: 100%***FIRM AGENT:**

Natalie Rainer (L'07)

Kirkland & Ellis*Firm Participation Rate: 20%***FIRM AGENTS:**

Jon Brightbill (L'01)
 Abe Einhorn (L'13)
 Brian Ford (L'06)
 Alison Gathright (L'07)
 Michael Jones (L'85)
 Amy Peters (L'02)
 Daniel Tavakoli (L'13)

Latham & Watkins*Firm Participation Rate: 25%***FIRM AGENTS:**

Manasi Bhattacharyya (L'07)
 Julie Hatcher (L'87)
 Jared Johnson (L'93)
 Abby Lipman (L'10)
 Mike Lundberg (L'08)

LeClairRyan*Firm Participation Rate: 73%***FIRM AGENTS:**

C. Erik Gustafson (L'91)
 Nancy Reimer (L'89)

Mayer Brown*Firm Participation Rate: 60%***FIRM AGENTS:**

Rich Dodge (L'98)
 Steve Kane (L'00)
 John Mancini (L'89)

McDermott Will & Emery*Firm Participation Rate: 89%***FIRM AGENTS:**

Ray Jacobsen (L'75)
 Jeff Rothschild (C'93, L'97, MBA'97)

McGuireWoods*Firm Participation Rate: 75%***FIRM AGENTS:**

Elena Marcuss (L'98)
 Jessica Morrison (L'01)
 Raj Natarajan (L'98)
 Bob Redmond (L'86)

McKenna Long & Aldridge*Firm Participation Rate: 86%***FIRM AGENT:**

Joanne Zimolzak (L'94)

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo*Firm Participation Rate: 93%***FIRM AGENTS:**

David Barmak (L'76)
 Keith Carroll (C'91, L'95)

Morgan, Lewis & Bockius*Firm Participation Rate: 25%***FIRM AGENTS:**

Jonathan Fritts (L'98)
 Harry Risetto (L'68)

Murphy & McGonigle*Firm Participation Rate: 100%***FIRM AGENT:**

Adam Stern (L'13)

O'Melveny & Myers*Firm Participation Rate: 61%***FIRM AGENTS:**

Drew Breuder (L'98)
 Chris Del Rosso (B'98, L'02)
 Daniel Franklin (L'08)
 Hugh Hilliard (MSFS'81, L'00)
 Catalina Joos Vergara (L'02)

Patton Boggs*Firm Participation Rate: 14%***FIRM AGENT:**

Larry Harris (L'65)

Paul Hastings*Firm Participation Rate: 18%***FIRM AGENT:**

Mary-Elizabeth Hadley (L'10)

Paul, Weiss, Rifkind, Wharton & Garrison*Firm Participation Rate: 21%***FIRM AGENTS:**

Brian Hart (L'08)
 Adam Studner (L'10)

Perkins Coie*Firm Participation Rate: 15%***FIRM AGENTS:**

Kevin Hamilton (L'85)
 Chuck Samel (L'85)
 Di Zhang (L'08)

Reed Smith*Firm Participation Rate: 14%***FIRM AGENTS:**

Mike Grant (L'09)
 Tyree Jones (L'86)
 Rachel Marcoccia (L'01)

Ropes & Gray*Firm Participation Rate: 28%***FIRM AGENTS:**

Mike Beauvais (L'99)
 Charlie Boer (L'07)
 Jackie James (L'08)
 Greg Levine (L'96)

Saul Ewing*Firm Participation Rate: 50%***FIRM AGENT:**

Michelle Lipkowitz (L'02)

Sidley Austin*Firm Participation Rate: 32%***FIRM AGENTS:**

Barbara Cammarata (L'95)
 Jen Gaspar (L'09)
 Mike Heinz (L'04)
 Andrew Holland (L'94)
 Mark Schneider (L'84)

Simpson Thacher & Bartlett*Firm Participation Rate: 100%***FIRM AGENTS:**

Sarah Cogan (L'81)
 Greg Grogan (L'98)
 Makiko Harunari (L'07)
 Marisa Stavenas (L'99)

Skadden, Arps, Slate, Meagher & Flom*Firm Participation Rate: 35%***FIRM AGENTS:**

Jamie Boucher (L'96)
 Katie Brody (L'08)
 Jon Hlafter (L'02)
 Tom Kennedy (L'81)
 Bob Lighthizer (C'69, L'73)
 Shauna Prewitt (L'09)
 Amr Razzak (MS'97, L'97)

Stearns Weaver Miller*Firm Participation Rate: 100%***FIRM AGENTS:**

Johnathan Ayers (L'12)
 Alan Fein (L'79)

Stephoe & Johnson*Firm Participation Rate: 51%***FIRM AGENTS:**

Toni Ianniello (L'80)
 Gary Morgans (L'78)

Sutherland Asbill & Brennan*Firm Participation Rate: 16%***FIRM AGENTS:**

Jamie Cain (L'79)
 Rian Perry (L'08)

Troutman Sanders*Firm Participation Rate: 18%***FIRM AGENT:**

Amie Colby (L'99)

Venable*Firm Participation Rate: 100%***FIRM AGENTS:**

Bob Geis (L'89)
 Brian O'Connor (L'95)
 Jud Starr (L'75)

Williams & Connolly*Firm Participation Rate: 100%***FIRM AGENTS:**

Joe Petrosinelli (L'91)
 Toby Romero (C'93, L'96)

Willkie Farr & Gallagher*Firm Participation Rate: 35%***FIRM AGENTS:**

Brendan Forbes (L'13)
 Jamie Hahn (L'12)
 Brenna Sparks (C'08, L'13)

WilmerHale*Firm Participation Rate: 11%***FIRM AGENTS:**

Eamonn Moran (C'04, L'07)
 Bill O'Reilly (L'80)

THE ENTERING CLASS

A diverse and accomplished group of first-year J.D. students joined Georgetown Law this fall, including students from 43 states and 15 foreign countries and representing 218 different colleges and universities worldwide. More than 50 percent (50.3 percent, to be precise) of the entering class is female and 24 percent are members of minority groups. The median LSAT score of the day division is 167 and the median grade point average is 3.76, the highest ever. Seven percent of the entering class graduated summa cum laude and 10 percent magna cum laude. The class includes:

- 62 students with advanced degrees, including 6 Ph.D.s
- 56 who graduated Phi Beta Kappa
- 48 varsity athletes, including a four-time NCAA All-American and 2 Academic All-Americans
- 26 teachers, including 20 from Teach for America (43 in two years)
- 13 Peace Corps volunteers (22 in two years) and 6 Americorps volunteers (12 in two years)
- 12 members of the military (who have collectively earned 10 Bronze Stars)
- 11 Fulbright Scholars
- 7 student body presidents
- 6 editors of a school newspaper
- 3 engineers
- 2 patent agents
- 2 FBI special agents
- 1 pit musician on Broadway
- 1 rabbi
- 1 national top-10 women's fencer
- 1 former screenwriter and assistant to the executive producer of "The Simpsons"

Alumni Events

SCHOLARSHIP RECEPTION

Alumni meet with students at the March 20th Scholarship Reception at the Law Center. Top row: Roy Yamaguchi, Cliff Hudson (L'80), Jessica Yeh (L'16) and Larry Okinaga (L'72). Second row: Toby Singer (L'77) and Thomas Papson (L'77) with Kena Cador (L'16); Darian Hands (L'16), Camille Johnson (L'16) and Deloris Wilson (L'16).

D.C. ALUMNI LUNCHEON

Third row: Julie Blum (L'89), Rosemary Stewart (L'74) and Catherine Mullarney (C'13) at the annual D.C. Alumni Luncheon at the Grand Hyatt on May 15. Rick Joyce (L'84), Carl Northrop (L'76), Jud Starr (L'75) and Larry Roberts (L'81) at the luncheon, which featured speaker Professor Howard Shelanski, administrator of the White House Office of Information and Regulatory Affairs.

DONOR/VOLUNTEER RECEPTION

Bottom row: Attendees at the March 21st donor/volunteer reception at the Newseum — with the U.S. Capitol in the background — include Colin MacDonald (L'15), Bill King (L'15), Jessica Montello (L'14), Rachel Morris (L'16) and Charles Isaacs.

OPPOSITE PAGE:

NORTHERN VIRGINIA ALUMNI RECEPTION

Top left: Hoyas enjoy the Northern Virginia Alumni Reception on June 3. Top middle: John G. Finneran (L'81), Steve Gannon (C'74, L'77), Professor Donald Langevoort and Dean William M. Treanor at the reception.

WOMEN'S FORUM

Top right: Alumni at the April 25th Women's Forum included Bud Garikes and Margaret Danaher Garikes (L'84), right, with 2014 Alumnae Award winner Judge Marilyn Milian (L'84). Second row, center: Devarieste Curry (L'84) with Terri Gillis (L'74). Second row, right: 2014 Alumnae Award winner Sara Crown Star (L'85) with Dean William M. Treanor and Mary Beth Connell (M'89).

HOME COURT

Third row, left: Dean Treanor huddles with faculty and staff teammates at the 27th-annual Home Court on March 26. Third row right: Student organizers display a check for the Washington Legal Clinic for the Homeless.

STRATEGIC PLANNING COUNCIL

Bottom row: At the Strategic Planning Council Dinner on May 2, John Briggs (L'72) with Chul Chung (L'91) and Ona Alston Dosunmu (L'96) with Ray Sczudlo (L'74).





In the Public Interest

Community Justice Project Scores Victories

There was the man who lost his work truck, triggering a series of events that ultimately left him living on the street. There was the woman who explained in frustration how even someone lucky enough to find an affordable apartment must then figure out how to scrape together a landlord's application fee. And there were the shelter residents who told of bed bugs, rodents and spoiled food.

Students from the Community Justice Project at Georgetown University Law Center heard these and many similar stories while researching their report "Unaccompanied Homeless Adults: Increasing Resources in D.C." Working on behalf of their client, the D.C.-based So Others Might Eat, the students presented their findings and recommendations at D.C.'s City Hall in December, just days before the full report was published.

And in July, the hard work of Aleshadye Getachew (L'14), Taylor Anvid (L'14) and Kevin Scura (L'14) paid off. The City Council approved, as part of its FY 2015 budget, first-time funding for a coordinated entry system for unaccompanied homeless adults and continued funding for a pilot program for rapid rehousing for such adults. Both recommendations were part of the report and briefing presented before the City Council in December.

"In recent years, the crisis with homeless families in D.C. has gotten rightfully so much attention, but what's happened is that a substantial part of the homeless population, single folks, unaccompanied homeless individuals, have fallen further into the shadows," says Visiting Associate Professor Colleen Shanahan, who directs the Community Justice Project Clinic. "SOME came to us and said, 'Help us figure out what to do about this.' And the fact that it has so quickly translated to some tangible results — it's exciting."



Kevin Scura, Taylor Anvid, Aleshadye Getachew (all L'14) of the Community Justice Project.

Students in Shanahan's clinic learn how to advocate for individual and organizational clients using a wide range of legal strategies and tactics, including litigation and courtroom advocacy, public policy research and analysis, media outreach and community organizing. And Getachew said it was important for the students to use the voices of the homeless to identify the resource gaps.

The clinic secured another victory in July with the "Ban the Box" legislation approved by the D.C. City Council, which will prohibit private employers from asking about criminal records on initial job applications. An initial version of the legislation was drafted by CJP clinic students Edward Williams (L'14), Flynn Burke (L'14) and Ashley Hodges (L'14) last fall for the D.C. Jobs Council.

"D.C. already had a law saying that public employers can't ask about criminal records on initial job applications, but there was nothing that applied to private employers," Shanahan says, noting that very few states have a private ban-the-box law. "Our students went out and researched the states that either have these provisions, or have tried to get these provisions passed and failed, to try to figure out the lessons learned, what sort of components should be

in the legislation. They went and talked to various players in town who were interested in the issue."

The bill does not prohibit employers from ever asking about a criminal record; it simply encourages them to engage with prospective job candidates first about what's on their resume.

"There is no greater feeling than knowing that your hard work will have a positive impact on your community," Williams said, noting that he, Hodges and Burke worked long hours on the project. "While the version we initially created with our stakeholders has undergone significant changes in the legislative process, I could not be more proud to have been a part of this effort."

After drafting the D.C. legislation, students worked with the client and the office of D.C. Councilmember Wells to get it introduced. They have also turned the draft into a guide and model legislation for other jurisdictions to follow.

"This victory would not have been possible without the CJP students," said Marina Streznewski, executive director of the D.C. Jobs Council. "What made this effort effective was a strong team — and Ed, Flynn and Ashley were essential players on that team."

Spotlight: Peter J. Kadzik (L'77)

“I consider myself to be the beneficiary of the American dream,” Peter J. Kadzik (L'77) told the Senate Judiciary Committee last October. As he explained to the senators at his confirmation hearing, all four of his grandparents were immigrants from Poland; his father was a World War II veteran who worked in a factory manufacturing telephone cables for 30 years so that the third generation could attend college and graduate school. “I had the good fortune to attend the Georgetown University Law Center.”

Kadzik, confirmed in June by the U.S. Senate to the post of assistant attorney general for legislative affairs at the Department of Justice, relishes the opportunity to return to government — where he started his career — after more than three decades in private practice as a litigator. “This was a unique opportunity to be able to serve this president and to serve this attorney general, both of whom I admire and respect very much,” he said. “It was a harmonic convergence for me when this opportunity arose.”

Kadzik has long been making the most of opportunities. Once a political science major at the State University of New York at Buffalo, Kadzik came to Washington D.C., in the 1970s for largely the same reasons that students do today — to study in the place where laws are made. “Many of the big issues of the day concerning civil rights, the Vietnam War, Watergate ... all pointed toward the importance of the rule of law, and that’s why I ended up at Georgetown,” he said. “I think its being situated in the nation’s capital, as well as its reputation with respect to both policy leaders and political leaders, really made it ... the go-to place.”

It certainly was for Kadzik. Among those he met at Georgetown were the late Professor Charles Ruff, later White House counsel to President Bill Clinton (F’68); the late Professor John R. Kramer, a Capitol Hill lawyer and a leader in clinical education; future Supreme Court Justice Antonin Scalia (C’57), who was then teaching constitutional law; John Podesta (L’76), now counsel to President Barack Obama, and lobbyist Tony Podesta (L’76). “The Podestas were a year ahead of me at Georgetown and were editors on the *Georgetown Law Journal*, so when I became a member I became friends with them,” Kadzik says. “There are a lot of similarities in our education, upbringing and families, and we share a focus on the importance of family and education.”

Kadzik clerked for the late Judge Thomas A. Flannery on the U.S. District Court for the District of Columbia, who encouraged him to head to the U.S. attorney’s office. After serving as a prosecutor for a few years, he joined Dickstein Shapiro — where he practiced for more than 30 years — building a litigation practice while doing pro bono work to continue his interest in politics. He worked on many political campaigns, including the Clinton-Gore reelection campaign in 1996, and he later represented the Democratic National Committee in congressional investigations.



Today, as head of the Office of Legislative Affairs, Kadzik is helping to advance the Justice Department’s and the Administration’s policy initiatives, in addition to improving the Department’s relations with Congress and articulating its position on legislation. He replaces Judith Appelbaum, the former acting assistant attorney general for legislative affairs who now leads the Federal Legislation and Administrative Clinic at Georgetown Law, and he anticipates future contacts with Appelbaum’s clinic students. “We hope to do some work with her class,” he says.

Kadzik, who just became a grandfather for the first time, is passing the Hoya spirit on to the next generations; two of his children, Melissa (C’03) and Alison (L’07) are Georgetown graduates. Kadzik has served on the National Law Alumni and Corporate Counsel Institute Advisory Boards. And he and his wife, Amy Weiss, also created an endowed scholarship to give future Georgetown students the kind of financial assistance he was given — and without which he could not have attended Georgetown. Kadzik notes that as a lawyer he started out making more money than his father did after 30 years in the factory. “The opportunities I was able to realize wouldn’t have existed but for the benefit of the education I received at the elementary and high-school level as well as in college, and ultimately in law school,” he said. “Attending Georgetown was a door-opening event for me. It led to the kinds of jobs that I’ve been lucky to have throughout my career.”

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