GEORGETOWN LAW

Res Ipsa Loquitur Spring/Summer 2016







The Business Issue

ALUMNI ENTREPRENEURS SHARE THEIR STORIES











GEORGETOWN LAW

Spring/Summer 2016

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Letter from the Dean



I'm happy to report that our most recent J.D. graduates, members of the Class of 2015, are flourishing. Ninety-two percent (626) of 678 are employed — the highest number of recent graduates to be employed in the last 10 years — and we expect that number to rise. It's made possible by the extraordinary education our students receive, the real-world experiential opportunities they're offered, and the expert career guidance they receive right from the start.

Still, as we know, there's been a sea change in the traditional model of legal employment most of us grew up with. Firms and their clients are no longer willing to absorb the costs of training newly minted J.D.s. Our graduates must be more practice-ready than ever before. And for many, this means that they know how to read a balance sheet and a profit-and-loss statement — that they have the business acumen not only for their first jobs but also for leadership roles later on. Those who serve in government, nonprofits and other professions also benefit from the kind of strategic thinking that business skills provide.

Our offerings in this area — corporations, securities regulation, corporate finance, tax and more — have always been strong, but we're augmenting them now in important ways. Our new business skills program, led by Visiting Professor Stephen P. Hills, former president and general manager of the *Washington Post*, is part of a significant expansion of the business curriculum. It's a mini MBA for lawyers, as Hills explains in a question-and-answer article that begins on page 22. "Often, lawyers and businesspeople are trained to think differently, …" Hills says. "It's like people speaking different languages. It's about communication and learning the language of those with whom you're working."

Students have already begun speaking that "different language" — as you'll read throughout the pages of this magazine. They are taking a business boot camp to learn about balance sheets, cash flows and the time value of money. They are taking D.C. Advantage: Business and its Regulation to study the role of intellectual property with professors who counsel businesses in this area. They are offering transactional legal services through the Social Enterprise and Nonprofit Clinic. The J.D. degree is opening new careers for them as entrepreneurs, strategists and business leaders across many industries, and Georgetown is on the cutting edge in providing our students with the skills necessary to succeed.

Of course, many of you have already built a solid career in business and can testify to the importance a J.D. holds. You might find yourself agreeing with David Bradley (L'85), one of seven alumni entrepreneurs we profile beginning on page 40. "What I'm looking for is the insight that nobody else has spotted," says Bradley, chairman and CEO of Atlantic Media. "I have to listen deeply. That's all first-year law school."

Thank *you* for listening — and for staying in touch. We greatly value all you bring to the Georgetown Law community.

Sincerely,



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

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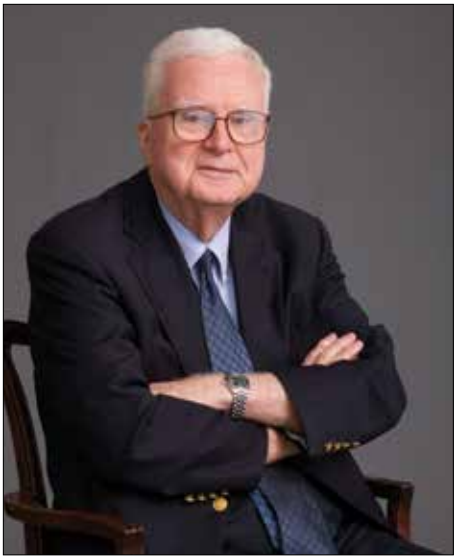
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FACULTY NOTES

University Professor John H. Jackson: 1932 – 2015



Georgetown University Law Center mourns the passing of University Professor John H. Jackson, who died on Saturday, November 7, at age 83. The founding director of the Institute of International Economic Law, Jackson was a towering figure, a truly legendary member of the faculty. In particular he is known for his work on the Trade Act of 1974 and for creating the intellectual framework of the World Trade Organization's dispute settlement procedures. His book *World Trade and the Law of GATT* is considered the bible for trade law and policy specialists — and is but one of many major contributions he made to international economic law.

"We have lost a giant," Georgetown Law Dean William M. Treanor said in a statement. "John was a major figure in international law, playing a central role in the development of our modern trade system and the founding of the Institute of International Economic Law. It was a privilege to be his colleague."

"John mentored legions of students at the University of Michigan Law School and for the last couple of decades at Georgetown Law," wrote Edith Brown Weiss, Frances Cabell Brown Professor of International Law, in an online tribute page. "I have a vision of a giant oak tree that served as a beacon to many and whose fruit scattered widely across many continents to shape the contours of an oak forest and nourish all within."

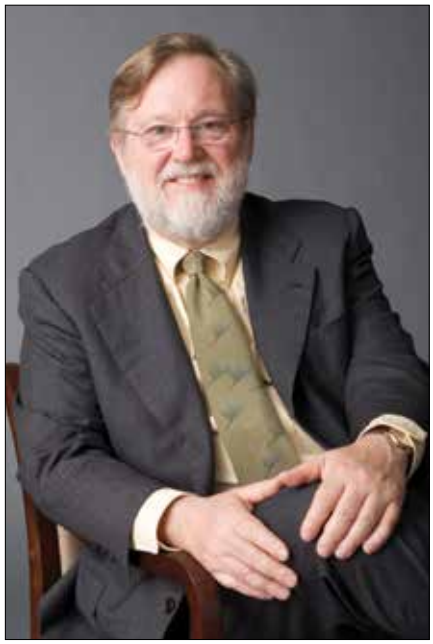
In 2008, Jackson was awarded the Manley O. Hudson medal from the American Society of International Law. The same year he received an honorary doctorate from the European Union Institute. The founding editor of the *Journal of International Economic Law*, Jackson was the honorary vice president of the American Society of International Law and also a member of the American Law Institute and the Council on Foreign Relations. He received the Wolfgang Friedmann Memorial Award for his lifelong contribution to international law. Jackson served the nation as general counsel for the U.S. Office of the Special Trade Representative (now the Office of the U.S. Trade Representative) and as acting deputy special representative for trade, both in the mid-1970s.

Professor John H. Jackson was born in Kansas City, Mo., in 1932. He received his A.B. from Princeton in 1954 and his J.D. from the University of Michigan Law School in 1959. After two years of law practice in Milwaukee and a stint as professor of law at the University of California, Berkeley, School of Law, he returned to Michigan to teach. In 1983 he was named the Hessel E. Yntema Professor of Law there, and he remained a member of the Michigan faculty with emeritus status. He arrived at Georgetown Law in 1998.

Professor Jackson is survived by his wife, Joan Leland; daughters Jeannette, Lee Ann and Michelle; and four grandchildren.

A memorial at the Law Center is planned for April 29.

Professor Peter Byrne Appointed Baumgartner Chair in Real Property Law



Professor J. Peter Byrne is the inaugural John Hampton Baumgartner, Jr. Chair in Real Property Law. He was formally installed at a ceremony on April 4. "A longstanding and dedicated member of our community, Peter Byrne merges excellence in teaching and scholarship," said Dean William M. Treanor when the appointment was announced. "His commitment to Georgetown and his accomplishments inside and outside the classroom make this chair a well-deserved honor."

Byrne, who joined the Law Center faculty in 1985, teaches courses on property, land use and historic preservation. He is the faculty director of the Georgetown Environmental Law and Policy Program and the Georgetown Climate Center. He also serves as the District of Columbia Mayor's Agent for Historic Preservation. He was associate dean for the J.D. program from 1997 to 2000 and again from 2013 to 2015. He was the John Carroll Research Professor from 1996 to 1997.

Byrne is the co-author of the first casebook on historic preservation law and has written numerous law review articles and book chapters on property, land use, historic preservation, natural resources and higher education law. In recent years, his published work has addressed numerous topics, including regulatory takings, adaptation to climate change, gentrification, affordable housing, designation of historic properties, listing of endangered species and academic freedom.

The John Hampton Baumgartner, Jr. Chair in Real Property Law was established at the Georgetown University Law Center through the bequest of John Hampton Baumgartner Jr. (L'48) in 2012. Mr. Baumgartner specialized in condemnation and real estate tax assessment cases. He also served as vice president of the Georgetown Law Alumni Board. In 1985, he was presented with the John Carroll Award, which honors alumni whose achievements exemplify the ideals and traditions of Georgetown University and its founder, Archbishop John Carroll. Having recognized that his Law Center education prepared him for a successful and satisfying career, Mr. Baumgartner took great pleasure in showing Georgetown his appreciation through this bequest.

PROFESSORS HENNING AND MIKHAIL ARE INAUGURAL APPOINTEES OF WILLIAMS RESEARCH PROFESSORSHIPS

Professors Kristin N. Henning and John Mikhail have been named the inaugural Williams Research Professors and were installed in their new positions in February. The purpose of the Williams Research Professorships is to recognize and support the scholarly activities of recently tenured members of the Georgetown Law faculty. Each year starting in 2016, two Williams Research Professors will be appointed to three-year terms. The six professorships were established at the Law Center last year through the generosity of Agnes N. Williams (L'54).





"Professors Henning and Mikhail are accomplished scholars, great teachers and wonderful colleagues," said Dean William M. Treanor. "Their academic and professional achievements, coupled with their commitment to legal education, make their appointments as the inaugural Williams Research Professors well-deserved honors."

Henning is the director of the Juvenile Justice Clinic. Formerly a Stuart-Stiller Fellow, she joined the Law Center faculty in 2001 after four years at the Public Defender Service for the District of Columbia. She has published a number of law review articles and book chapters on topics such as race and the juvenile justice system, the role of child's counsel, and children and the Fourth Amendment.

Mikhail joined the Law Center faculty in 2004. His research interests include torts, criminal law, constitutional law, moral and legal philosophy, legal history and cognitive science. He is the author of *Elements of Moral Cognition: Rawls' Linguistic Analogy and the Cognitive Science of Moral and Legal Judgment* (Cambridge University Press, 2011).

Faculty Awards and Recognition



National Jurist magazine has recognized Professor **Paul Butler** as one of 20 law professors in the nation whose contributions best further diversity efforts in legal education.



Professor **Sherman Cohn** (F'54, L'57, L'60) has been selected as a recipient of the 2016 Faculty Recognition Award. He received the award on February 5, 2016, at the Georgetown University Alumni Association Service Recognition Awards Banquet.



Professor **Rosa Brooks**, a senior fellow at the New America Foundation, has joined the board of the Harper's Magazine Foundation. Brooks is a contributing editor and columnist at *Foreign Policy* magazine and was formerly an opinion columnist at the *Los Angeles Times*.



Professor **Frances DeLaurentis** received the Archdiocese of Washington John Carroll Society's Pro Bono Legal Service Award on October 4. DeLaurentis was honored for her work this past year in overseeing the preparation of handbooks used by volunteer attorneys at the Catholic Charities Legal Network. Her students spent more than 500 hours creating the handbooks, learning valuable legal research and writing skills while producing a product that helped benefit needy individuals in the community.



Professor **Laura Donohue** has been appointed one of five amici curiae to the Foreign Intelligence Surveillance Court, advisers appointed to the court as part of the USA Freedom Act passed last summer. The new advisers are offering "legal and or technical expertise" for issues that "present a novel or significant interpretation of the law," according to the court. Donohue's scholarship has focused on the history of several of the legal authorities at the center of the surveillance debate, and she has also testified on these issues before the Senate Judiciary Committee and the Subcommittee on Commerce, Manufacturing and Trade of the House Committee on Energy and Commerce.



University Professor **Lawrence Gostin**, faculty director of the O'Neill Institute for National and Global Health Law, was honored for his "Lifetime Achievement in Public Health Law" by the American Public Health Association (APHA) Law Section. The award was presented in Chicago on November 2. According to APHA, "the award is given annually to an individual who, over the course of his or her career, has made significant contributions to the field of public health law." Gostin was also recently profiled in *The Lancet*.





Professor **Kristin N. Henning** and Professor **Wallace Mlyniec**, who have directed Georgetown Law's Juvenile Justice Clinic for more than 40 years, were honored at the DC Lawyers for Youth (DCLY) Fall Ball for Youth Justice on November 4 for their commitment to training social justice lawyers. DCLY has also created a Henning-Mlyniec Award for Youth Justice to be awarded annually to a deserving youth advocate, attorney or other person committed to advancing youth justice in their lives and careers. The first Henning-Mlyniec Award will be presented in 2016.



On November 9, Professor **Neal Katyal** argued his 26th case before the U.S. Supreme Court — making him second only to the late Justice Thurgood Marshall in the number of appearances before the Court by a minority lawyer. "With his 26th appearance, Katyal has passed former Solicitors General Wade McCree and Drew Days III and now-judge Sri Srinivasan, each of whom argued 25 cases before the high court," said the *National Law Journal*, reporting on Katyal's milestone.



Dean Emeritus **Robert Pitofsky** has been selected as a recipient of the *American Lawyer*'s 2015 Lifetime Achievement Award. The Lifetime Achievement Awards are given to lawyers "whose long careers have distinguished the legal profession and who have embraced public service." Pitofsky's fellow 2015 honorees include Esther Lardent, founder of the Pro Bono Institute; former Solicitor General Drew Days; and leading divorce lawyer and alumna Marna Tucker (L'65). Previous recipients include former Vice President Walter Mondale and former Senate Majority Leader George Mitchell (L'61). Pitofsky served as dean and executive vice president for Law Center affairs at Georgetown Law from 1983 to 1989 and was chairman of the Federal Trade Commission from 1995 to 2001.



The *ABA Journal* has selected Professor **Tanina Rostain** as one of its 2015 Legal Rebels, citing her course Technology, Innovation and Legal Practice and the Iron Tech Lawyer: Access to Justice competition that has given students a chance to design apps for organizations ranging from the U.S. Department of Justice to the Alaska Legal Services Corp. "A legal rebel is a person who bucks their own training, their own tradition, in order to find a better way to make service to the client work, to make the business work better, to make the profession more whole…" says Allen Pusey, editor of the *ABA Journal*, on the "Legal Rebels" website. The publication named 11 new legal rebels this year.

NEW VISITORS JOIN LAW CENTER



After 15 years on the bench of the U.S. Court of Appeals for the Armed Forces, retired Judge **James E. Baker** has joined the Law Center as a visiting professor. Baker, who served as chief judge for the last four years of his tenure on the Court of Appeals, is the author of almost 300 opinions addressing criminal law and procedure. He has served as special assistant to the president and legal adviser to the National Security Council, deputy legal adviser to the NSC, counsel to the President's Foreign Intelligence Advisory Board and Intelligence Oversight Board, and as an attorney in the U.S. Department of State's Office of the Legal Adviser. Baker was also an aide and acting chief of staff to Sen. Daniel Patrick Moynihan, D-N.Y.

Baker received his J.D. and B.A. from Yale, and served as an infantry officer in the U.S. Marine Corps after college. He is the recipient of numerous awards, including the Colonel Nelson Drew Award, which is the National Security Council's highest honor, as well as the Director's Award given by the Director of Central Intelligence. At Georgetown Law, Baker has taught Managing National Security as an adjunct professor, and has been involved in the national security crisis law simulation. This year, he is teaching Managing National Security, Challenges in National Security Law, Federal Courts and the Federal System, and Professional Responsibility: From Model Rules to Role Models — The Theory and Practice of Legal Ethics. Baker has also taught national security law at Yale Law School, Washington University in St. Louis, the University of Iowa and the University of Pittsburgh.



After 28 successful years at the *Washington Post*, President and General Manager **Stephen P. Hills** has become founding director of the Georgetown University Law Center Business Skills Program and a visiting professor. Hills has served as president and general manager of the *Washington Post* since September 2002, and in 2008 became president and general manager of Washington Post Media, a world-class multi-platform news brand. Last year, the Washington Post was named the "Most Innovative Media Company in the World" by *Fast Company*. During his tenure, Hills has been instrumental in transforming Washington Post Media into an innovative digital product company that has seen more digital audience growth in 2015 than any other single news organization.

In the past several years, Georgetown Law has developed a range of business skills offerings, including a highly regarded twice-a-year financial literacy boot camp that is consistently oversubscribed and a Business Law Scholars Program that provides a weekly seminar for students working in business-law-related internships in Washington, D.C. Hills will expand course offerings, creating a mini MBA course and working with business law faculty to develop a business-skills curriculum. He is also helping to create a curriculum designed to teach law students the fundamentals of business, management and organization. (For more on the Business Skills Program see page 22.)

LECTURES AND EVENTS



ASSOCIATED PRESS

People participate in a rally at the Supreme Court on January 11, 2016, as the Court heard arguments in *Friedrichs v. California Teachers Association*, one of the cases discussed in the Supreme Court Institute's Mid-Term Preview.

Panel Reviews Key Cases in Court's Current Term

The second half of the U.S. Supreme Court's term will feature cases on some of the most contentious issues the Court has considered, according to a panel of Supreme Court experts who spoke at Georgetown Law on February 3. The event happened shortly before the death of U.S. Supreme Court Justice Antonin Scalia, so the panelists did not discuss the changed dynamics of an eight-person Court.

"It will be interesting to see how hot the temperature in the room gets," said Jeff Wall, co-head of the appellate practice group at Sullivan & Cromwell. He noted that the Court will hear cases on abortion and affirmative action, two particularly divisive issues on which several justices have strongly held views.

Wall was one of five attorneys with extensive Court experience who spoke at the Mid-Term Preview, an annual event organized by the Supreme Court Institute at Georgetown Law.

Rounding out the panel were Lori Alvino McGill, a partner at Quinn Emanuel Urquhart & Sullivan; Tejinder Singh, a partner at Goldstein & Russell; and Will Consovoy, a partner at Consovoy McCarthy Park. The panel was moderated by Tom Goldstein, a partner at Goldstein & Russell and a founder of SCOTUSBlog, a widely cited independent source for information and insights on U.S. Supreme Court cases.

The Institute has been offering previews of the Court's fall term since 2011. "The mid-term preview was suggested by students about three years ago," said Professor Irv Gornstein, executive director of the Institute. "Today two student organizations — the ACLU and the Federalist Society — co-sponsor the event with the Institute."

Before an audience of 150 students and guests, panelists led a discussion of four cases covering some of the most ideologically divisive issues facing the court: public employee unions and free speech (*Friedrichs v. California Teachers Association*), restrictions on access to abortion services (*Whole Woman's Health v. Hellerstedt*), exceptions for nonprofit religious employers to the contraceptive mandate under the Affordable Care Act (*East Texas Baptist University v. Burwell*) and immigration (*United States v. Texas*).

"Hearing from individuals who have argued multiple cases before the Supreme Court allows students to have a front-row seat on discussions of some of the most important, hot-button legal issues," said Matt Brown (L'16), president of the Georgetown Law student chapter of the Federalist Society.

For Georgetown Law students, the Institute's moot courts and other programs provide unique insights into legal strategy and the Supreme Court's decision-making. Every student enrolled in the J.D. program attends a moot court as part of the first-year Legal Research and Writing curriculum. The Institute's other programs and activities provide practicing lawyers and academics with opportunities to exchange ideas about the Court and support each other in their work.



RAFAEL SUANES

Sen. Durbin Speaks at Launch of D.C. Affordable Law Firm

"Her name was Wanda Green, and she scared me to death," said Sen. Richard Durbin, D-Ill., describing his first legal aid client. Durbin (F'66, L'69), who spoke at the October 28th launch of the D.C. Affordable Law Firm (DCALF) in Washington, D.C., was just out of law school and doing pro bono civil work when he met Green, who was seeking a divorce. Durbin was determined to help Green, but he quickly realized that there was an imbalance. "It was Wanda's fourth divorce — and my first!"

It was a humbling experience, "but I won't forget it, and you won't forget your clients," said Durbin, addressing the six fellows who form the inaugural class of DCALF, the new low bono law firm profiled in the Fall 2015 issue of *Georgetown Law*. The fellows have been training since August 31 and took their first clients in December. Durbin has spoken previously about the need for innovative solutions in closing the justice gap.

On December 5, DCALF received a $10,000 grant when the Foundation of the Bar Association of the District of Columbia honored the new organization with the first annual Suzanne Richards Award. The grant will be given annually to D.C. nonprofits in honor of the late Suzanne Richards, who was the first female president of the Bar Association of the District of Columbia. And DCALF recently received a $270,000 grant from the Spitzer Foundation.

An op-ed about DCALF written by Dean William M. Treanor and Vice Dean Jane Aiken (LL.M.'85) appeared in the *Washington Post* on November 29.

DCALF "presents a replicable economic model that rewards doing what's right," Aiken and Treanor wrote in the *Post*. "If the model catches on, more and more talented young lawyers will devote an early stage of their careers to communities in need. They will get great hands-on experiences as they start their careers — the legal equivalent of a medical residency. And they will make a difference, especially for the thousands of lower- and middle-income Americans who face a staggering injustice any time they enter our courts."

For more information on DCALF, visit www.dcaffordablelaw.org.



Deb Markowitz (L'87), left, secretary of Vermont's Natural Resources Agency, and Professor from Practice Vicki Arroyo (L'94) at the climate talks in Paris.

Climate Center Delivers a Message in Paris

"Inspiring," said Professor from Practice Vicki Arroyo (L'94), executive director of the Georgetown Climate Center, describing the recently concluded COP21 climate talks in Paris. "This meeting accomplished something never done before – at a scale that we've never seen before."

Arroyo should know, having attended the 2009 Copenhagen conference and others over the past 15 years. In Le Bourget, the Paris suburb where the talks took place, the Georgetown Climate Center played a leading role as the organizer and sponsor of several events showcasing efforts by U.S. states and Canadian provinces to reduce greenhouse gas emissions and prepare for the impacts of climate change. Participants included the governors of California, Washington and Vermont, along with the premier of Manitoba and senior environmental officials from these and other states and provinces. Arroyo served as the point of contact between the U.S. governors in attendance and the U.S. Department of State. Not entirely by coincidence, the conference provided a backdrop for a small reunion of Georgetown Law graduates who work on environmental issues. Arroyo is a graduate, as is Deb Markowitz (L'87), secretary of Vermont's Natural Resources Agency. Joojin Kim (LL.M.'15), an environmental lawyer based in Korea, and Arthur Haubenstock (L'89), who works on energy issues, both attended Climate Center events at Le Bourget. And Mary Nichols, California Air Resources board chair and distinguished visitor from practice at Georgetown Law, spoke at Georgetown events about California's leadership on reducing emissions from transportation and in other sectors.

"The reason it's so important that Georgetown is in Paris to serve as a convener is it allows us to show that the states are committed, that we've achieved some success and that what the negotiators are talking about is possible," Markowitz says.

"The successful outcome of the Paris talks provides an important lesson for our students," says Arroyo. "Engaged individuals can make a difference. ... As students and as graduates of Georgetown, they can each play a role."





SAM KARP

LAW STUDENTS LEARN TECH 'SURVIVAL SKILLS'

On December 1, students in the Technology of Privacy course presented their final projects, which included using advanced software tools called packet sniffers to track unusual or invasive data collection practices committed by websites. They were hoping to shine a light on websites that were not abiding by their privacy promises.

Professor Paul Ohm, who taught the class, was a computer programmer before he became a law professor. Ohm (pictured above, top and right) says he's teaching "survival skills" for the 21st-century lawyer.

"Increasingly, technology — and particularly Internet-connected technology — will become relevant to [legal] practice. So it won't be acceptable to be a lawyer and not understand technology," he says.

How did students respond to the new course? Ohm's next class, capped at 15 students, has a waiting list of 125, most of whom registered before the class was even advertised.



BILL PETROS

American Constitution Society President Caroline Fredrickson, Dean William M. Treanor, former Texas State Sen. Wendy Davis and Gerry Hebert, executive director of the Campaign Legal Center.

Voting Rights Institute Finds Home at Georgetown

"The motto at Georgetown Law is, 'Law is but the means, justice is the end,'" said Dean William M. Treanor at the October 2nd launch of the Voting Rights Institute, which was held at the National Press Club in Washington, D.C. "That's a commitment in our core, and nowhere is the need for justice greater than when it comes to protecting and preserving our most important right, the right to vote."

There has never been a Voting Rights Institute like the one being created by Georgetown Law, the American Constitution Society and the Campaign Legal Center, Treanor noted. "Our goal is to make the Voting Rights Institute at Georgetown Law a hub of thoughtful engagement on all voting rights issues in the U.S."

Originally established in response to the Supreme Court's 2013 decision in *Shelby County v. Holder*, which nullified a key provision of the 1965 Voting Rights Act, the institute offers opportunities for students, recent graduates and fellows to engage in litigation and policy work in the field of voting rights and to educate attorneys about the skills and best practices of voting rights advocates. It recruits and trains expert witnesses to assist in litigation development and presentation; promotes increased local and national focus on voting rights through events, publications and the development of Web-based tools; and provides opportunities and platforms for research on voting rights.

At the launch, American Constitution Society President Caroline Fredrickson referred to Supreme Court Justice Ruth Bader Ginsburg's powerful dissent in *Shelby County* — which was especially relevant given the rainy weather in Washington, D.C., when the event took place. Ginsburg said that throwing out Section Two of the Voting Rights Act is like throwing away your umbrella in a rainstorm because you are not getting wet. "The Voting Rights Institute may not be giving us the umbrella, but we have the rain boots, the raincoat, the sandbags. ... We are prepared to do everything we can to be sure that what remains [of the Act] be as robustly defended as we can," Fredrickson said.

Gerry Hebert, executive director of the Campaign Legal Center, said the institute began almost as a dare from his wife, Victoria. "I was trying a case in San Antonio in 2011, and she said, 'You're one of the youngest people trying to enforce voting rights,'" noted Hebert, who has been working in this field for decades and has served as chief trial counsel in over 100 voting rights cases. "'You ought to get busy training the next generation of voting right lawyers,' she said. And I took her seriously."

Former Texas State Sen. Wendy Davis noted that when she thinks about fighting for voting rights, "I think about the people behind those fights. I think about their shoes, and I think about our need to put our feet into them — people whose shoes we need to stand in and whose voting rights we need to protect."

The first students in the Voting Rights Institute are enrolled in Georgetown Law's Institute for Public Representation and are working on several cases identified by the Campaign Legal Center and the American Constitution Society.

On March 23, the MacArthur Foundation announced its commitment to protecting voting rights by awarding a $1 million grant to the Voting Rights Institute. For more on the institute, visit its new website at www.votingrightsinstitute.org.



ISTOCKPHOTO

Experts Speak Out on Policing, Race, Power and Control

"Ferguson is not mainly about 'bad apple' cops; Ferguson is an example of the system working the way it's supposed to," said Professor Paul Butler, speaking at Georgetown Law on November 20. "The most important problem is not illegal police misconduct. The most important problem is legal police conduct."

"Police/State: Race, Power and Control" — the Volume 104 Symposium of the *Georgetown Law Journal* — examined the excessive reliance on criminal law throughout American society and how it disproportionately affects African Americans. The symposium featured discussion and analysis from scholars, police officers, judges, practitioners and activists.

"When we witness a police officer in a school throw a child to the ground, flip her body over and drag her across the floor, we must ask why," said Professor Allegra McLeod. Police violence, McLeod noted, is one result of a "vast overreliance on criminal law" to address problems including mental illness, addiction, education and poverty. More people are incarcerated per capita in the United States than anywhere on earth, she said.

As Butler asserted in his keynote address, if the law is structuring race relations so that some win and some lose, reform is not necessarily going to fix the problem. "The police need to stop arresting so many people of color. Prosecutors need to stop prosecuting so many people of color. Police need to stop using so much violence against people of color," he said. "That's why I'm so encouraged by this Black Lives Matter movement. …. [And] I'm encouraged by many of the people in this room, because I know you're involved in this movement for racial justice. … You are the people who have the potential to make this country live up to its promise. … Because of your work, I think we're going to be all right."



INES HILDE

INTRODUCING DEBTCON1

Participants braved a blizzard to attend, but when the curtain rose on the DebtCon1 conference, held at Georgetown Law on January 21 and 22, the room was filled with some of the world's foremost authorities on sovereign debt. And Twitter followers created a flurry of their own at #DebtCon1.

"We are beyond humbled by the response we got," said Professor Anna Gelpern, introducing the two-day assemblage of roundtables, panels and addresses.

The conference featured scores of speakers representing half a dozen academic disciplines as well as practitioners from the public and private sectors. Senior officials came from around the world and from organizations such as the International Monetary Fund, the Inter-American Development Bank and the United Nations.

Together, they delivered a global perspective on events ranging from Argentina's sovereign debt to the failure of Iceland's banks during the 2008-11 financial crisis. A roundtable on Puerto Rico chaired by Gelpern was especially timely. In addition to Gelpern and co-organizer Duke Law Professor Mitu Gulati, the event drew such speakers as Professor Anne Krueger of Stanford University and the Johns Hopkins School for Advanced International Studies, Professor Christine Desan of Harvard Law School and Brian Wynter, governor of the Central Bank of Jamaica.

The event, which was sponsored by Georgetown Law's Institute of International Economic Law, will be held every other year.



BRENT FUTRELL

Clockwise from left: Secretary of Homeland Security Jeh Johnson; Catholic Legal Immigration Network Executive Director Jeanne Atkinson; U.N. High Commissioner for Refugees António Guterres; Doris Meissner of the Migration Policy Institute and panelists Dora B. Schriro of the Connecticut Department of Emergency Services and Public Protection, Yale Law Professor Cristina Rodríguez, Marielena Hincapié of the National Immigration Law Center, Heather Fong of the U.S. Department of Homeland Security, and Muzaffar Chishti of the Migration Policy Institute.

'It's Time to Change the Law,' Says Homeland Security Secretary Jeh Johnson at Conference

"We must account for these people," said U.S. Secretary of Homeland Security Jeh Johnson, referring to the more than 11 million undocumented individuals estimated to be living in the United States. "They are not going away — in a Democratic or a Republican administration. We want to encourage them to come forward, submit to a background check and, if eligible, to get on the books. … And to those of us who say we do not have the authority to do this without a change in law, then I say it's time to change the law."

Johnson spoke to a packed house of lawyers, law students and government leaders in Georgetown Law's Hart Auditorium during the 12th-annual Immigration Policy Conference on October 29. His keynote address explored immigration priorities as well as the status of the executive actions announced by President Barack Obama last November.

Later in the day, U.N. High Commissioner for Refugees António Guterres explored the humanitarian side of refugee policy and how it "is no longer enough to be able to provide the minimum levels of core protection and the minimum levels of lifesaving assistance to the people."

As Catholic Legal Immigration Network Executive Director Jeanne Atkinson and others noted, the conference came at a particularly timely moment for the country and the world. "With immigration politics headlined in the 2016 presidential campaign, with a court case that will affect the viability of the president's executive action on administrative relief pending before the 5th Circuit, and with continued migration of unaccompanied minors and families from Central America — we are at a crossroads," Atkinson said.

The event was sponsored by Georgetown Law, the Migration Policy Institute and the Catholic Legal Immigration Network Inc.



The top 20 percent of U.S. households own more than 84 percent of the country's wealth. A Georgetown Law symposium explored the causes of this disparity.

Probing the Causes of Economic Inequality

"If we are going to talk about economic inequality in our country, we have to talk about it all the way to the bottom … not just go down as far as the middle class," said Professor Peter Edelman, speaking at a Georgetown Law symposium, "Economic Inequality: Causes, Consequences and Responses," on December 4.

The conference, which was introduced by Professor Mitt Regan and Dean William M. Treanor, explored the causes and consequences of inequality and how to respond to them. The top 20 percent of U.S. households own more than 84 percent of the country's wealth, according to *Scientific American*.

Edelman outlined eight changes over the past 40 years, most of which "we didn't see coming" — including a shift to low-wage jobs, mass incarcerations, a decrease in the quality of education, a lack of affordable housing and more. "One hundred and six million people in our country — a third of our population — have incomes below twice the poverty line," Edelman said.

Professor Emma Coleman Jordan, Dean David Thomas of Georgetown's McDonough School of Business and Brendan "Dan" O'Flaherty of Columbia University's economics department conducted a panel on "The Economics of Race in the United States," discussing O'Flaherty's book of the same name. Both the book and the panel described how economic disparity cannot be attributed to income alone when some groups face discriminatory practices in lending, are more likely to be homeless or have other challenges.

The conference ended with Professor Sheryll Cashin's look at how affluent and highly educated Americans have segregated themselves geographically and how this segregation creates disparate access to public and private resources. "No one says out loud that our public policy should be to invest more in already advantaged places and disinvest elsewhere," Cashin said, "but that is exactly what's happening."

Other participants included Professors Steve Cohen, Brian Galle, Alvaro Santos, Mike Gottesman, David Super, Kris Henning, Robin West, Eloise Pasachoff and Anthony Cook.



BILL PETROS

Clockwise from left: Attendee Jasmine Marie Junk of the USDA's Foreign Agricultural Service; WTO Academy Chair, IIEL Deputy Director and Adjunct Professor Chris Parlin; attendees Susannah Hodson and Janine Collier; and David Christy of Perkins Coie.

TEN YEARS FOR THE ACADEMY OF WTO LAW AND POLICY

The 10th annual Academy of WTO Law and Policy held at Georgetown Law last fall was a tribute to the man colleagues say literally coined the name of the World Trade Organization: Georgetown Law Professor **John H. Jackson**, who died November 7 at the age of 83.

"He was a giant in the field," said Professor **Chris Brummer**, the newly appointed faculty director of the Law Center's Institute of International Economic Law (IIEL), as he opened the weeklong WTO Academy on November 16. As Brummer noted, both the academy and its host, the IIEL, were the brainchildren of Jackson, IIEL's founding director.

The event began with a historical overview of international trade law from Adjunct Professor **Mike Gadbaw**, a senior fellow at IIEL. Twenty-four panels continued throughout the week to cover recent developments, including trade and the environment and what the World Trade Organization needs to do to stay relevant in the 21st century.

"One advantage of being at Georgetown Law is that you can come to [events like these]," WTO Academy Chair and IIEL Deputy Director **Chris Parlin** said as he welcomed the more than 40 students who registered for the academy. The audience also included more than 40 practitioners from the government, the private sector and NGOs.

Experts Explore the Latest in Patent Law



INES HILDE

From Left: Professor John R. Thomas, Former Judge James Smith, Judge S. Jay Plager.

The seventh annual Patent Law and Policy Conference featured an opening keynote by Judge S. Jay Plager of the U.S. Court of Appeals for the Federal Circuit in which he discussed hot topics in patent law and what the future might look like.

Later in the day, attendees heard James Smith, former chief judge of the Patent Trial and Appeal Board, describe the creation of the board under the America Invents Act of 2011.

Among the other distinguished speakers was Georgetown Law Professor John R. Thomas, who led an afternoon panel exploring nine recent patent cases from the Supreme Court and the U.S. Court of Appeals from the Federal Circuit.


ISTOCKPHOTO

Key Papal Adviser Speaks on the 'Care of Our Common Home'

On Monday November 2, members of the Georgetown community gathered at the Law Center to discuss protecting the planet and the poor as described in "Laudato Si," Pope Francis's encyclical on the environment, which was released in May.

John Carr, director of the Initiative on Catholic Social Thought and Public Life at Georgetown University, led the discussion with Cardinal Óscar Rodríguez, a key adviser to Pope Francis who chairs the Council of Cardinals. Georgetown Law Professor Edith Brown Weiss and Distinguished Visitor from Practice John Podesta (L'76), former counselor to President Obama on climate change and energy policy, were on hand to offer their insights.


BRENT FUTRELL

Cardinal Óscar Rodríguez

"This encyclical was not [just] taken out of the sleeves of the Holy Father," said Rodríguez, explaining that the pope's decision to write a document on the environment came from deep consideration of the damage being done to the planet as well as the need to enter into a dialogue with all people. "[It is] not only an ecological problem; it is the care of our common home. ... We have to give maintenance to our homes … and we need to take care and think about the maintenance of our common home, which is our Mother Earth."

As Carr noted, the problem is not just about climate change but about injustice, as the poorest people who contribute the least to climate change will suffer the most. The encyclical, however, "opens the door to hope," Rodríguez said.

Brown Weiss, an expert in international environmental law, pinpointed three critical aspects of the encyclical: the earth as a "global commons," the consideration of the poor and preserving the earth for future generations. "Pope Francis, through the encyclical, has proposed the most fundamental change … the change in the human heart," she said. "He has put the issue as a moral one."

Podesta (L'76) noted that climate change is one of the most complex and urgent challenges facing our planet.

"[W]e have to look to build an agreement that is worthy of this encyclical …" he said. "I hope that the negotiators [at the climate talks in Paris] will indeed look to the teachings of Pope Francis and remember the billions of people around the world who are looking to them to work in the spirit of collaboration … to shape the world that we want."

The event was co-sponsored by the Initiative on Catholic Social Thought and Public Life, the Georgetown Climate Center, the Global Futures Initiative and Georgetown Law's Environmental Law Program.

TWO NEW DUAL-DEGREE PROGRAMS OFFERED WITH HEC PARIS



Beginning in 2016, HEC Paris and Georgetown University Law Center will offer two new dual-degree programs. The Master of Business Administration/Master of Laws (MBA/LL.M.) and the Grande Ecole Master in Management/Master of Laws (MiM/LL.M.) will be open for application in the spring of 2016, with the first classes to begin in September.

For the MBA/LL.M. course, applicants must have a degree in law and at least three years of professional experience. Students will spend the first year studying the core requirements of HEC's flagship MBA program including language proficiency, leadership development and career-building components of the curriculum. The second year will be spent at Georgetown Law, undertaking either a specialized or general LL.M. program. Graduates will receive both the MBA degree from HEC and the LL.M. from Georgetown upon completion of the two-year program.

The MiM/LL.M. will require applicants to have a bachelor's degree in law before beginning the course. The program will follow a similar pattern, with the first year spent at HEC undertaking the necessary core and elective courses for the first year of the MiM curriculum and the second year at Georgetown studying a specialized or general LL.M. course offered by the Law Center. Once the two years are complete, graduates will receive a Grande Ecole master's degree in management and business law from HEC as well as a Master of Laws from Georgetown.

Saluting Veterans

On November 11, Georgetown Law celebrated its alumni veterans. The 2015 honorees (pictured in top photo with Dean William M. Treanor) were Joseph McDade Jr. (F'85, L'88), principal deputy general counsel of the Air Force; Mary Fletcher (MA'93, L'01), chief of the Defense Privacy and Civil Liberties Division in the Office of the Secretary of Defense; and Sgt. Maj. Theodore Bessa (L'18), formerly a U.S. Army Ranger. Also in attendance were Lindsay Kennedy (L'16), Professor Mitt Regan and Professor Lilian Faulhaber. Students in the ROTC Honor Guard from the Hoya Battalion opened the event.

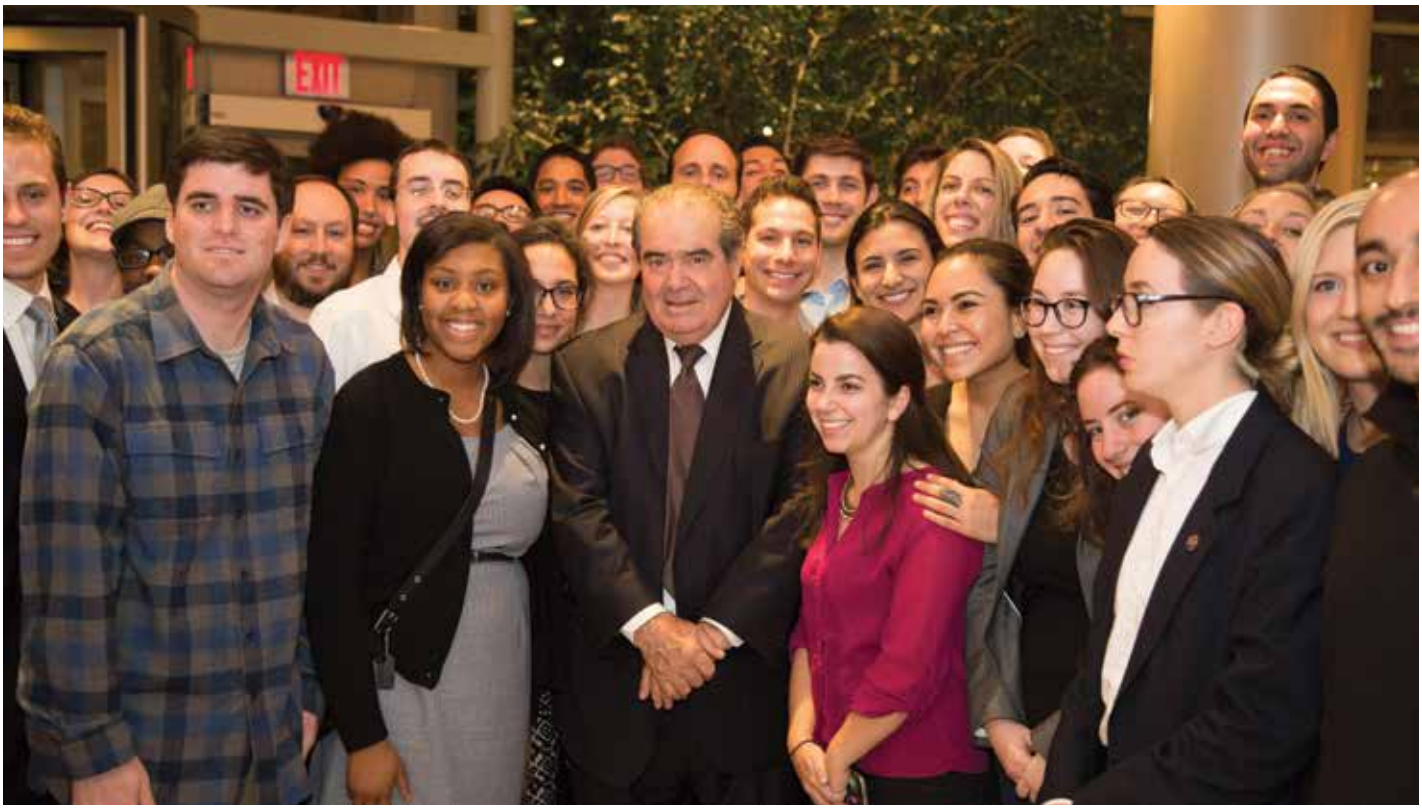








BILL PETROS



BRENT FUTRELL

Students pose with Justice Antonin Scalia after his talk at the Law Center on November 16.

Supreme Court Justice Scalia Addresses 1L Class

"There are rules about interpreting texts and you've got to know what they are," said the late Supreme Court Justice Antonin Scalia (C'57) on November 16, less than three months before he passed away suddenly at age 79. Students spend most of the first year learning the common law, invented by judges, Scalia explained, when the job of the modern judge is to interpret texts.

Scalia shared these and other thoughts on originalism, legal education and more with the 1L class. His 20-minute talk was followed by more than 30 minutes of responses to written student questions, chosen by Dean William M. Treanor and Professor Randy Barnett.

How much influence do Scalia's law clerks have on his opinions? "More than my colleagues," the justice replied, to great laughter.

Was there a turning point that led to his originalist approach to constitutional interpretation? "Where did you get the notion that it changes?" Scalia responded. "That's the question you should ask these other guys."

Does an originalist approach leave room for social advocacy and protecting civil rights? "If you believe in democracy, you should put it to the people," Scalia asserted, claiming that it is not up to him to identify which minority group deserves protection. "Why would you pick a body [of nine lawyers] to rewrite the Constitution, to add those provisions that it's lacking?"

Asked whether he considered law students' reactions when drafting his majority opinions, the answer was no — but dissents were another matter. "Who do you think I write the dissent for?" Scalia said, noting that he aims to be clear, interesting and sometimes fun. "Because I know that although 95 percent of law professors don't agree with originalism, textualism and all of that, they have to do something in class, right?"

Treanor noted at the event that he was pleased to give students the opportunity to hear "one of the giants of the bench and bar." And later, the dean referred to the justice's November 16th visit in a statement he issued upon Scalia's death:

"The justice offered first-year students his insight and guidance, and he stayed with students long after the lecture was over," Treanor said. "The students who were fortunate enough to hear him will never forget the experience."

From the Files of

Res Ipsa Loquitur



Tale of Two Dedications

Forty-five years ago, in 1971...

McDonough Hall was dedicated — twice. A group of students dissatisfied with the choice of U.S. Supreme Court Chief Justice Warren E. Burger (H'71) as speaker organized an alternative dedication ceremony that included self-described "radical lawyer" William Kuntsler. And so there were two simultaneous dedications. Here's how *The First 125 Years* describes it:

"Inside, 1,200 guests, including prominent members of the legal bar and bench, crowded into the main foyer, where Chief Justice Burger spoke. 'Fundamental changes in a democratic system are made largely through the political processes of popular government, and involvement in that process is the best way to contribute to progress,' he said. … Outside, the counter dedication focused on the killing of inmates in the storming of Attica State Prison in New York earlier that month.

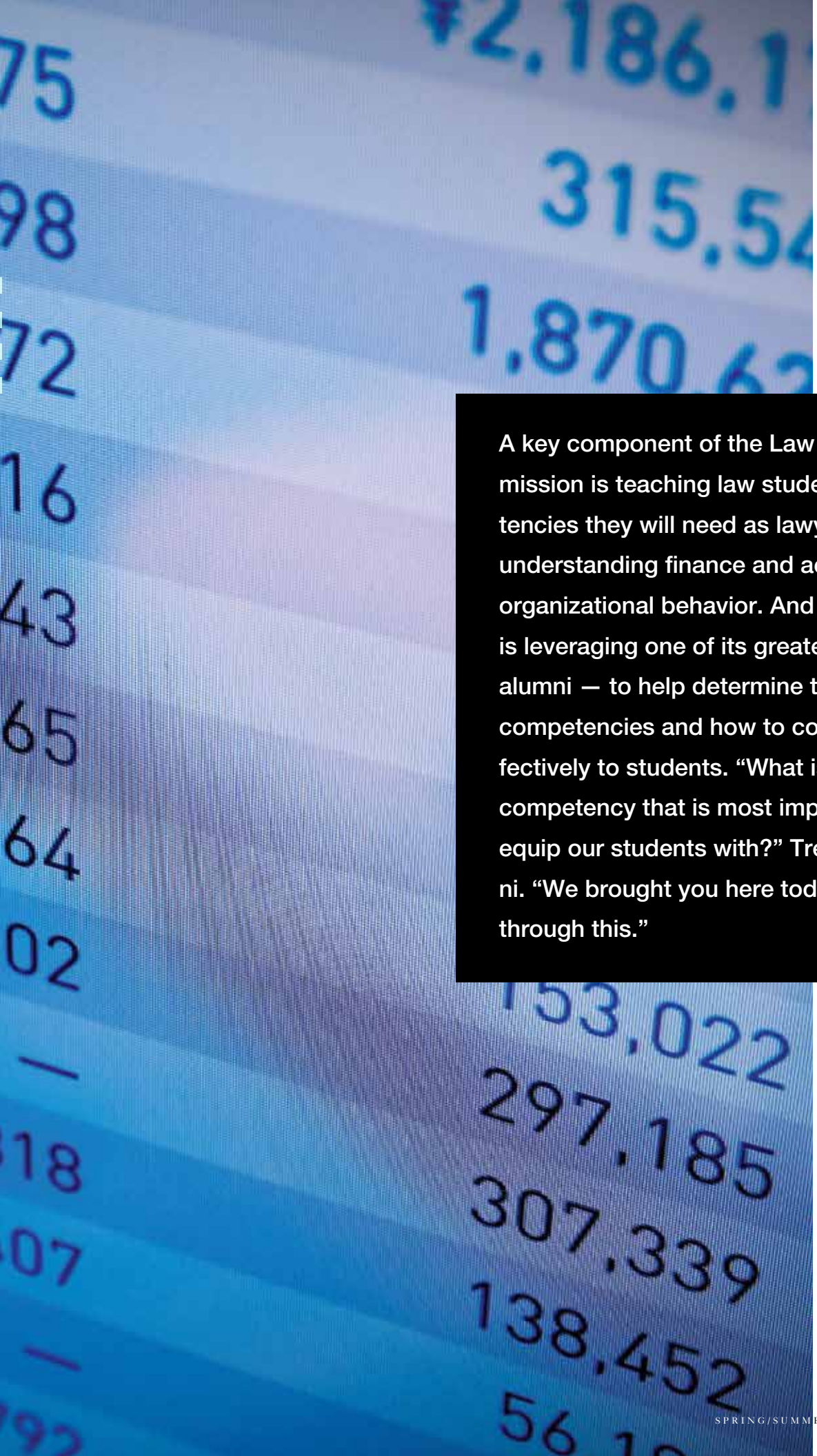
William Kuntsler [above], speaking from the back of a pickup truck, said the Law Center 'should be dedicated to those who had died for social change in the prison tragedy.' … The only person to speak at both ceremonies was Alfred Ross, president of the Student Bar Association, who delivered the same speech twice, once in a suit and tie and once in jeans, work shirt and bandana."

The BUSINESS ISSUE

By Ann W. Parks

NEW SKILLS FOR NEW LAWYERS

Law schools have traditionally taught students to "think like a lawyer." But thinking like a lawyer in 2016 can also mean understanding a client's business or knowing how to launch a business of one's own. "Law schools traditionally taught students to think rigorously and carefully, and that's crucial," Georgetown Law Dean William M. Treanor explained to a roomful of alumni during Reunion Weekend 2016. "But if you think about the arc of your careers, there are other things that you need to do to in order to be a great lawyer — or in order to be a leader."



A key component of the Law Center's strategic mission is teaching law students the competencies they will need as lawyers. Things like understanding finance and accounting and organizational behavior. And Georgetown Law is leveraging one of its greatest assets — its alumni — to help determine the scope of those competencies and how to convey them effectively to students. "What is the skill or the competency that is most important that we equip our students with?" Treanor asked alumni. "We brought you here today to help us think through this."



THINKING STRATEGICALLY

The Law Center already has a staggering range of business courses in place — at last count, 70 upper-level classes including seminars, clinics, practicums and graduate level courses. Three full-time professors hold economics Ph.D.s — Christopher Brummer, Neel Sukhatme and Josh Teitelbaum. Beyond the "trinity" of corporations, securities regulation and corporate finance, there are plenty of courses in mergers and acquisitions, startups and entrepreneurship, finance and investment vehicles, the regulation of financial institutions, securities derivatives, commodities and corporate governance.

And there are many different offerings within each of those areas. "Classes on small business law, business planning, private equity and hedge funds, venture capital, initial public offerings, banking, the regulation of financial institutions, globalization and systematic risk, the regulations of derivatives and commodities," says Associate Dean Naomi Mezey. There's even a class called "Deals: The Economics of Structuring Transactions" that examines how attorneys and other professionals create value through transaction engineering, she adds.

In addition to all the general business classes, there are courses based on international business and finance, international arbitration, commercial law, trade, bankruptcy — and of course, tax. "Our rich curriculum is the foundation on top of which Dean Treanor has been growing a set of skills courses, practicums and simulations that are really giving students much more tangible ways to practice some of these skills," Mezey continues. And some of these skills courses will be new for a law school. "What we are trying to figure out now is, what does this look like?" Treanor told alumni, noting that while the focus is business skills, it's also a broader preparation for leadership.

THE FLASHLIGHT PROBLEM

Four people want to cross a bridge. The goal is to get all of them to the other side as quickly as possible, but only two people can cross at one time. Each person walks at a different speed, taking one, two, five or 10 minutes to cross. Each team that crosses must do so at the slower person's pace, and any party that crosses — one or two people — must carry a single flashlight with them.

What is the least amount of time that it takes all four to get to other side of the bridge? "It's actually a production operations management problem," explains Visiting Professor Stephen P. Hills, former president and general manager of the *Washington Post*. Now the inaugural director of Georgetown Law's business skills program (see page 22), Hills was giving the same group of alumni a sense of what law students might experience in the program through something known as the flashlight problem. The point, as he explained, was to not get locked into one way of problem solving. "Think about where your bottlenecks are."

Hills's business-centered approach won over Sara Crown Star (L'85), a member of Georgetown Law's board of visitors. (Read more about Star on page 81.)

Attending a board meeting in 2014, Star was intrigued by a challenge that Treanor set down before the alums: If you had to go to law school all over again, knowing what you now know about the legal market and careers, what kinds of skills would you most like to acquire?



Together, Star and Treanor envisioned what Star calls a "best of business" skills program — a class for lawyers that would survey the business landscape, as she puts it, from "30,000 feet and above."

"Business and tech skills rose to the top," Star explains. Running with the idea, she talked to lawyers in law firms, businesses and nonprofits about the skills today's law students need. "I come from a business family and have been exposed to business-related ideas and thoughts all my life."

Together, Star and Treanor envisioned what Star calls a "best of business" skills program — a class for lawyers that would survey the business landscape, as she puts it, from "30,000 feet and above." To teach it, they searched the business worlds of Chicago and Washington, D.C., looking for talented leaders who had not only succeeded in the business world but who could teach the necessary skills in a compelling, innovative and even fun way.

To that end, they invited candidates — "fabulous, interesting, talented people," Star says — to Georgetown to teach a class to a select group of faculty members, students and alumni. Hills, who was wrapping up a successful 28-year career at the *Washington Post*, answered the call perfectly. "We were absolutely thrilled Steve said yes," Star says. "He was the perfect match for it, and he loved the challenge."

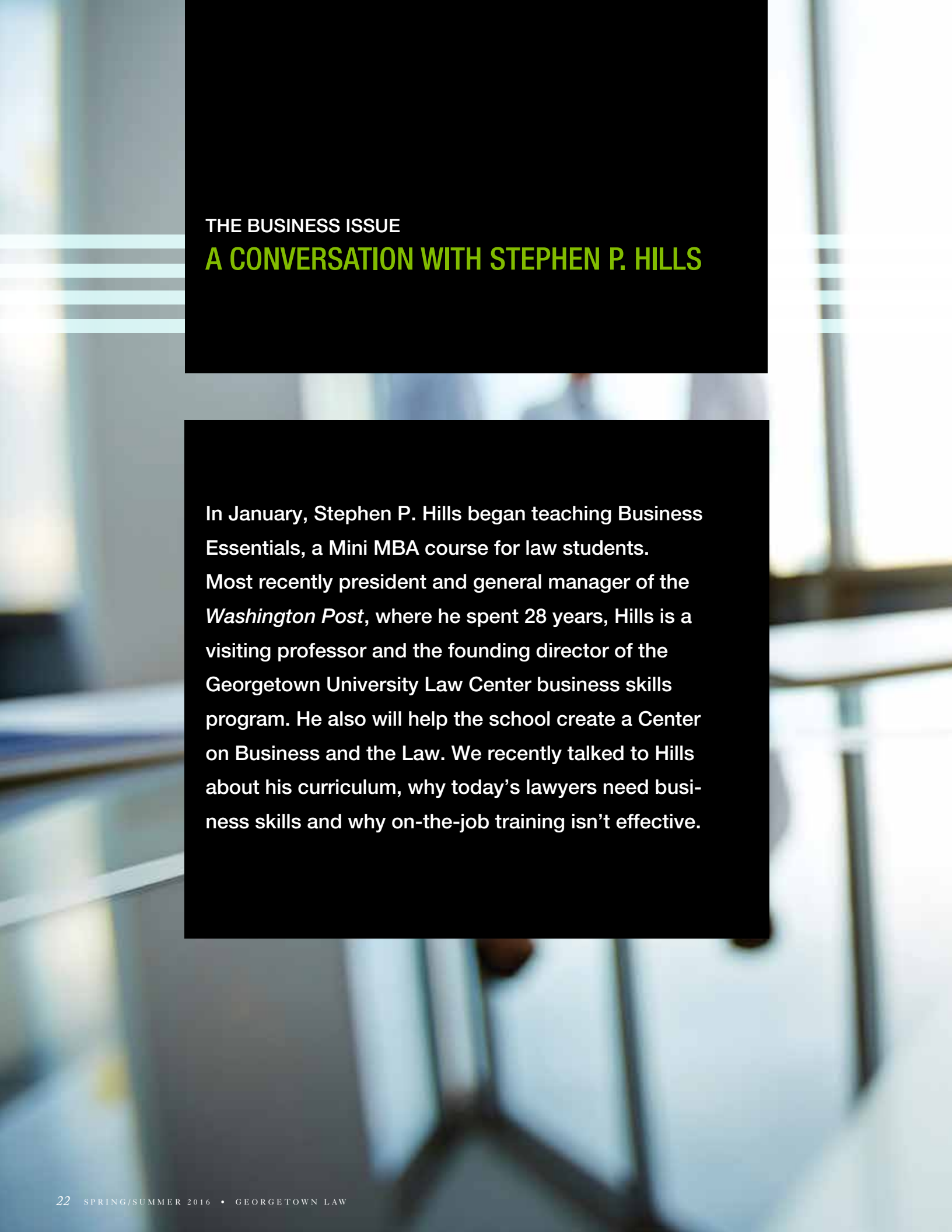
Ann Beth Stebbins (C'86, L'94), also on the Law Center's board of visitors, is one of many others helping to shape the future of Georgetown Law. "It's thinking not just like a lawyer, which we are all trained to do in law school, but … understanding how business decisions are made, what the objectives are of your client," said Stebbins, speaking for her table. "You can be a 'no' lawyer very easily, can say no to things. But our clients want to get to yes."

REDEFINING EDUCATION

Which is where Hills comes in. His new business skills program — described as a mini MBA — will complement all of the courses Mezey talked about, he said. "It's redefining what a J.D./MBA is." But his is not the only class that will help these graduates become lawyers who can get their clients to yes. Other business skills courses include Demystifying Finance, an intensive three-day business boot camp that simulates a fast-paced mergers and acquisitions deal; an entrepreneurship and the law class; an international business negotiations class working with the students at the University of Dundee in Scotland; and one-credit advanced writing labs that attach to traditional courses like corporations and antitrust — where students might create, for example, a noncompetition agreement.

"Students know when they go to practice that they won't be asked to produce an outline and take an exam; they are going to be asked to do real world things," says Chase Whiting (L'17), who adds that a lot of his peers are "thirsty" for classes like these.

And the flashlight problem? We won't give away the answer; it's part of the plan to help students think like entrepreneurs as well as lawyers. "It's really a lesson in systems thinking," Hills says, noting that you can't improve on a bottleneck unless you take care of the bottleneck itself (something that is perfectly demonstrated by, say, Washington, D.C., traffic). "In a class, it teaches people about cycle times, throughputs, bottlenecks, capital (how you decide to build for capacity at appropriate times), lateral thinking — the dangers of getting too linked into one idea that seems right."



THE BUSINESS ISSUE

A CONVERSATION WITH STEPHEN P. HILLS

In January, Stephen P. Hills began teaching Business Essentials, a Mini MBA course for law students. Most recently president and general manager of the *Washington Post*, where he spent 28 years, Hills is a visiting professor and the founding director of the Georgetown University Law Center business skills program. He also will help the school create a Center on Business and the Law. We recently talked to Hills about his curriculum, why today's lawyers need business skills and why on-the-job training isn't effective.



> "Part of what needs to happen is putting students in the shoes of the head of finance, the head of marketing or the CEO of a company. Doing this will allow them to gain empathy and understanding of what these people need to do."
>
> *— Stephen P. Hills*

What's the reasoning behind the Mini MBA for Lawyers curriculum? Is it more a matter of adding value to a legal education or ensuring that graduates can keep up in a fast-moving business culture?

It's both. If you're a lawyer who's going to be interacting with businesspeople — either as corporate counsel, in-house counsel or a businessperson with legal training — business acumen is a key component of what it takes to be effective. Having at least rudimentary business knowledge makes people more prepared for entering the highly competitive business environment. Also, a law firm is a business that's becoming more competitive, as well. Graduates who understand business will be better prepared to run their own law firm one day.

What sorts of skills would you like new graduates to have?

First, they have to have a base level of knowledge. They will learn things such as what financial metrics mean and what a cash flow statement tells you about a business. I'd want them to understand key disciplines of business — finance, operations, strategy, general management, human resources, and sales and marketing.

In the past, graduates learned these skills on the job. Why isn't that effective?

When people say on-the-job training, what that really means is no training — or show up and learn by doing. Which takes time, and it takes trial and error. In a classroom setting, you don't have the pressure of keeping your job. Some of the research I've done shows that both people working with lawyers and lawyers themselves agree that they would have liked law school to have provided more of the basic skills and knowledge that this course hopes to teach.



In your experience, are these skills important because lawyers are now taking on more business-related tasks, or because more law school graduates are working in nontraditional jobs — or both?

I think it's a combination. I did a survey my first day of the course and asked students, who are mostly third year, "What are your goals for taking this class?" Most people wanted to be able to work with businesses as corporate lawyers.

The business offerings at the school — such as the business boot camp — have grown in popularity. What do you know about law students who already have an MBA background or those who take business classes while at Georgetown — are these numbers growing?

I know that the appetite is growing. There are a couple hundred people on the wait list for this class. Part of what I'm charged with is helping the school figure out what needs to change to better address this pent-up demand.

Do you remember in your career when you first recognized the knowledge and experience gap between businesspeople and lawyers working in business?

Often, lawyers and businesspeople are trained to think differently. I experienced that early on dealing with our in-house counsel at the *Washington Post*. It's like people speaking different languages. It's about communication and learning the language of those with whom you're working.

You've said that your class will help bridge that gap. What are some ways the course will attempt this?

It's heavy on participation. Part of what needs to happen is putting students in the shoes of the head of finance, the head of marketing or the CEO of a company. Doing this will allow them to gain empathy and understanding of what these people need to do. We'll also have a group presentation, and they will be working cases and learning to make arguments in a business setting around business goals.

When you look at case studies, what are some of the distinctive ways a businessperson would approach the scenario versus the way a lawyer would approach it?

I don't think there are fundamental differences; I think the approach is largely a function of experience and the way people have been taught. A lawyer is generally asked to focus more on mitigating the risks of a particular situation, because that is a key aspect of the traditional legal function. My goal is to teach people to see risk in the overall context — and that context sometimes includes the consider-



able risk of inaction or slow action. All decisions involve trade-offs around the issue of risk.

How can traditional "thinking like a lawyer" be bad for business?

I think that's a harsh way to put it. I think the lawyer's primary objective is to mitigate risk and ensure compliance. Every job function has a primary goal, whether it's increasing revenue or controlling cost. The thing I'm trying to do with this course is educate people about the entire system and how their role is just one component. In the case of lawyers, it's important to understand there are many types of risk.

So what would you advise law students about risk-taking?

My general advice: Make sure you understand the risks of inaction or taking too much time to take action. Colin Powell said the key to being successful is to be able to make a decision with 60 percent of the necessary information. By the time you get 90 percent, it may be too late.

Businesspeople can also learn from those with legal training. During your career, what important lessons have you learned from lawyers?

Lawyers tend to be very disciplined thinkers and can often see risks in seemingly innocuous behaviors or actions that are easily prevented. Often, an ounce of prevention is worth a pound of cure.

Where would you like the program to be in five years?

I am going to work with the Law Center administration and faculty and, where necessary, with the business school administration and faculty to develop the answers to that question. One of the things I've learned from business is that experimentation is key to learning, so I want to learn from the courses I am teaching as to what works best for the students before making decisions on next steps.

How will you bring your *Post* experience — especially your work with Jeff Bezos — to this job?

I am fortunate to have learned from some phenomenal business thinkers, including Warren Buffett and Jeff Bezos. I will be sharing insights I've gleaned from exposure to them — and to other great but lesser known business leaders — over the course of this class. But while I'll bring in observations and lessons I've learned, I think of the old saying: Tell me and I'll forget, show me and I'll remember, make me do it and I'll understand. The emphasis will be on having students walk in the shoes of business executives. In my view, that is the best way to create long-term learning.

— Melanie D.G. Kaplan

THE BUSINESS ISSUE

BUSINESS BOOT CAMP

In a 21st-century classroom with microphones, audio and video, Professor Michael Cichello displays a screen showing the financial statement of a company most law students know all too well.

How does Starbucks make money? The obvious answer is by selling a lot of coffee; in business speak, that's cash flow from operations. But, as Cichello explains to the nearly 100 students in the room, there are two other "buckets" of cash-flow-generating activities. Starbucks can buy and sell assets (property and equipment) and engage in financing activities (giving money to shareholders or paying debt obligations).

Understanding a company's financial statements — including the cash flow statement — helps future lawyers know where to look for potential red flags surrounding a business. "If the operating cash flow is negative and the cash from financing is positive, that's not a good sign," Cichello explains. "The bottom line is what cash is left at the end of the period — and how those numbers have changed from what they were previously."

There are no red flags for Starbucks, which took in $2.9 billion in operating cash flows from selling coffee in 2013. And those $10, $20 or $50 gift cards that you've given or received? They brought in a cool $33 million that year. "That's pure profit," Cichello tells the students. "There are marketing costs, and the costs of the card itself. But that's a gold mine."

DEMYSTIFYING FINANCE

A full-time faculty member at the business school and a Law Center adjunct, Cichello has taught Demystifying Finance — a weeklong business "boot camp" course for law students with little or no background in finance — twice a year since the course began in 2013. More than 500 students have taken the class, which Cichello teaches with Adjunct Professor Joseph Perfetti in a classroom at Georgetown University's McDonough School of Business.

One of the goals, Cichello explains, is to give students the tools to understand how a company like Starbucks will be valued, how the bonds they sell to investors will be valued, and more. "We analyze the company, we analyze the statements, and we analyze some of their competitors," Cichello says. "We don't expect students to be financial experts coming out, but in their practice they have to understand some of the major arguments and the major techniques that are used to value a production facility, to value a product line. They have that perspective both from the owner of those assets, like Starbucks, owning certain stores, or a prospective buyer of those assets."

Students also learn about debt and equity, the role of risk in valuing financial assets, and the all-important time value of money. "A dollar that you receive in the future is not worth a dollar in today's terms," Cichello tells the class, "so you try to determine, if you are buying an asset, what cash it will generate for you in future years."

As for working with numbers, law students must come prepared to use algebra, Cichello says. "But we try to provide as many tools as possible — videos and preprogrammed spreadsheets."

THE WHOLE PACKAGE

So what do law students do well that maybe business students cannot? "Law students do a great job on the 'what if,' trying to understand what the potential outcomes might be. There's always the question of, well, what if we went in another direction? That's where they really excel," Cichello says.

Jess Unger (L'16), who took Demystifying Finance in 2015, says law students do two things especially well — seeing the flip side of things and staying out of trouble. "A lot of times [businesspeople] see their objective and see the first path they can think of to that objective but they don't see the drawback to what they are doing," he says. "When people just butt heads and dig in, ... law students can either help people understand where the other side is coming from or understand the adversary position enough to overcome it."

As another Demystifying Finance student, Leonor Miranda (L'16), notes, law students can analyze all these issues. "It's being able to form a narrative, being able to explain things differently than just, 'This is what the numbers say,'" Miranda explains. "You look at all the other implications that come into play."

Thanks to Demystifying Finance, she now has the best of all worlds. "It's the skills that you develop here, with the professors here, that perhaps differentiate law students from a lot of different professionals," she says. "They know how to do this one thing and to do it extremely well, but we can say, 'I can do one thing extremely well, but I can also learn a lot of other things — and in the end, do many things extremely well.'"

THEY SURVIVED BUSINESS BOOTCAMP

Leonor Miranda (L'16)



Taking her second year corporations class with Visiting Professor Russell Stevenson, the faculty director of the securities LL.M. program), Leonor Miranda (L'16) realized that there were a few things she needed to learn in order to practice law effectively. Things like balance sheets and cash flows, for instance. Having majored in criminology and anthropology before going to work at a public defender's office, Miranda didn't know as much about finance as some of her classmates. But having her eye on securities regulation and labor and employment as possible areas of practice, she knew she needed to fill in the gaps.

"I thought it would be very beneficial to know at least some financial accounting, to know how bonds are valued and how stocks are valued because at the end of the day, it will come into play [with] what I'm doing professionally," she explains. "If I want to invest in my future, I felt like it would be a good background to have at least an idea of what these terms mean."

So Miranda enrolled in Demystifying Finance: A Short Course for Law Students. Which meant that by the time she took Professor Donald Langevoort's course in securities regulation in the fall of 2015, she felt far more at ease. "It's one of the things he repeated, and Stevenson also in corporations, if you want to go into this type of field, you have to read financial statements," she says. "You have to do your due diligence on your own, don't trust what a director is telling you, don't trust what the CEO is telling you, what the CFO is telling you — liability is going to go across and you are going to be involved."

Jess Unger (L'16)



Jess Unger (L'16) went to college intending to be a theater major before turning to political science; he came to law school to pursue a passion for election law. "I care about redistricting; I care about campaign finance; I care about voting rights," he said. "I want to be able to work with corporations, unions, the types of entities that engage in campaign finance and electioneering activities. It became clear to me … that I needed more when it comes to accounting skills and basic financial literacy."

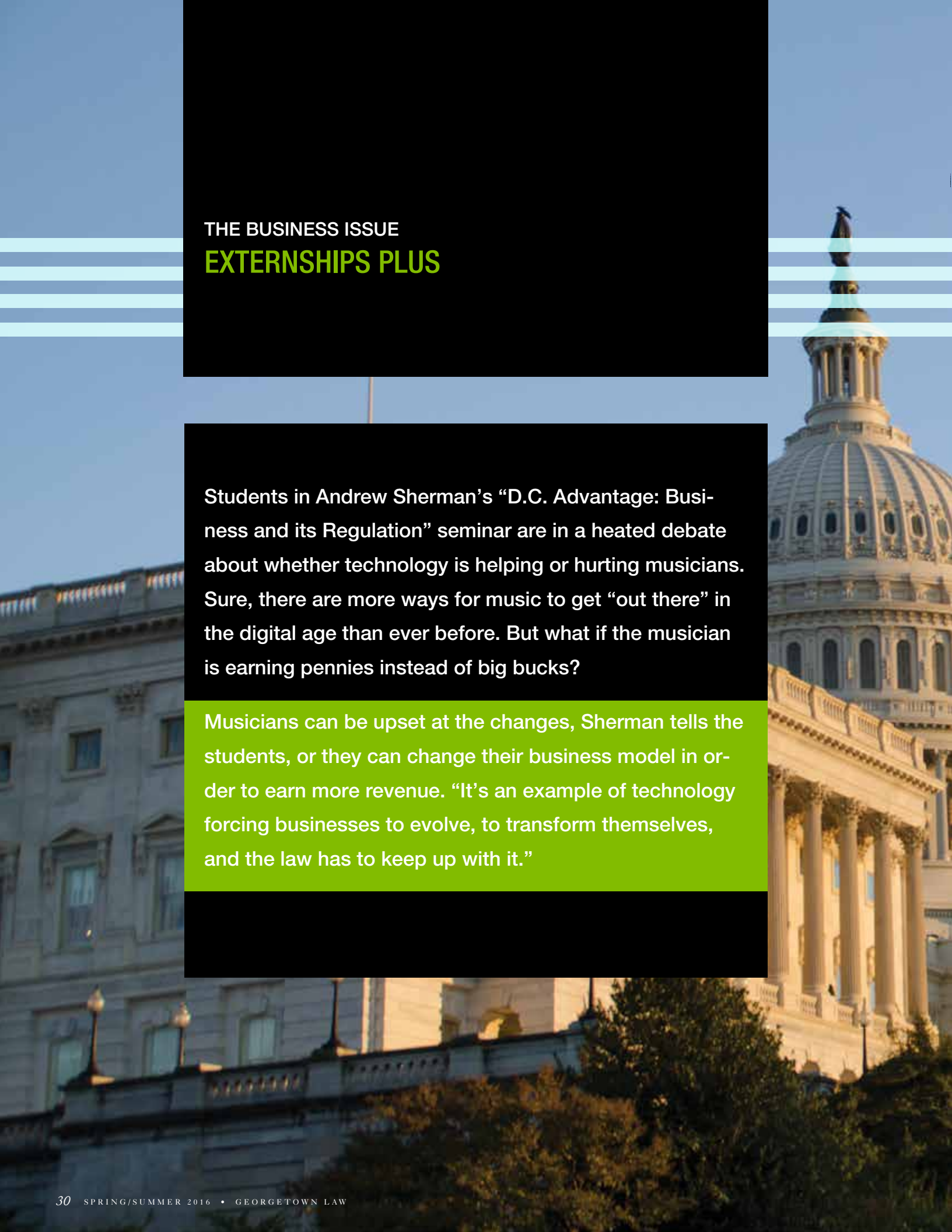
Demystifying Finance prepared Unger well for the Basic Accounting for Lawyers course he signed up for in the fall. "'Demystifying Finance' laid the groundwork for that class perfectly; and together the two classes are giving me what I needed — the ability to understand balance sheets, income statements and all of that, the ability to be financially literate enough that I can converse in the field that I do — law."

FINANCE FOR LL.M.S

To ensure that the incoming LL.M. students in the tax program had a strong background in the subject, Professor Stafford Smiley — faculty director of the graduate tax program and senior counsel at Caplin & Drysdale — started an LL.M. version of Demystifying Finance. "I started as a fresh associate at a law firm here in Washington, so I approached this class with, 'What do I wish I had had, rather than learning it in the library of my law firm at 3 a.m. under pressure?'"

The course, which became mandatory for all LL.M. tax students in 2015, teaches the time value of money, an introduction to financial accounting, a session on capital markets (taught by Professor Don Langevoort) and a session on securities regulation (taught by Visiting Professor Russell Stevenson, the faculty director of the securities LL.M. program).

"I'm not a CPA, I'm not an accountant, I was not trained as any of these things, but I found I had to know them," Smiley said. "I told my students, 'I am trying to spare you the agony.'"



THE BUSINESS ISSUE

EXTERNSHIPS PLUS

Students in Andrew Sherman's "D.C. Advantage: Business and its Regulation" seminar are in a heated debate about whether technology is helping or hurting musicians. Sure, there are more ways for music to get "out there" in the digital age than ever before. But what if the musician is earning pennies instead of big bucks?

Musicians can be upset at the changes, Sherman tells the students, or they can change their business model in order to earn more revenue. "It's an example of technology forcing businesses to evolve, to transform themselves, and the law has to keep up with it."

When he's not teaching three courses at Georgetown — the Business Law Scholars program, Entrepreneurship and the Law and this class, which shows students what it's like to be business lawyers while pursuing 30 hours a week of hands-on practice in a related placement — Sherman is a partner at Seyfarth Shaw. With a practice focused on issues affecting business growth for companies, Sherman develops strategies to leverage intellectual property and technology assets. So on this particular night, he's guiding his class through the role that intellectual property and innovation play in business growth with the help of former Jones Day colleagues John G. Froemming and Paul L. Sharer, who also counsel businesses in the area of intellectual property.

From music streaming, the conversation moves to the iPhone. Say you were going to buy Apple Corp. — according to *Forbes* magazine, the world's most valuable brand in 2015 — where is the value in it? In the patents, to be sure, but also in the trademarks, goodwill, personnel, real property and sales, the professors explain.

Which is not to say that Apple doesn't have patents. There's the design patent and the utility patent for the "rubber band" feature — that springy, slide-y thing on your iPhone's touch screen. Ideally, a company like Apple would want to roll that protection out across the entire world. "If you think of patents as contracts, all will start to make sense," Sharer says. "How much would the valuation of your company be if you had worldwide exclusive contracts?"

While IP is not a traditionally regulated industry — not in the same way that the Federal Communications Commission regulates communications — what happens in the U.S. Copyright Office or Patent and Trademark Office can have huge implications for businesses. For copyright, think of Hollywood. For patents, think of smartphones. For trademark, think of cars (thanks to Froemming, who has represented a European automaker, you won't find hair salons, questionable movies or any-

Elizabeth Atkins (L'16)



The regulatory aspect of Sherman's class is what attracted Elizabeth Atkins (L'16). Besides IP, the course also includes health care, banking, energy, communications, securities and capital markets, and environmental regulation. "I was excited to learn about a bunch of different industries and the regulatory component of that," says Atkins, who has done externships at the Securities and Exchange Commission and the U.S. Agency for International Development. This summer, she'll be working in the New York office of Allen and Overy. "I'm hoping to do project finance when I graduate, with a bit of a securities element." In addition to the regulatory experts — which include speakers from government and business in addition to law firms — Atkins appreciates what her classmates bring to the table. "It's cool to see the different perspectives and what they've learned at their externships."

Shanna Holako (L'17)



Shanna Holako (L'17) was an English and film major at the University of California at Berkeley before she came to Georgetown Law to pursue a career in entertainment, IP or communications law. So in the first semester of her 2L year, Holako chose to do an externship with the Federal Communications Commission in conjunction with Sherman's class.

"I bike to the FCC in the morning; that's unreal to me," she laughs. At the agency, she has been busy on work relating to privacy issues — and counts herself lucky to have discovered an "incredible" team of co-workers. "They are excited to work on an assignment and to give me feedback. I found that this is indeed something that I really want to do."

Holako imagines two possible futures: In one she tackles copyright and trademark issues; in the other, she works in entertainment, media and communications. Studying law and business, she says, prepares her for both.

thing else with the letters "BMW" in the titles.) So Sherman, Froemming and Sharer are helping the class see IP issues from a business lawyer's perspective.

"The goal was to look at how business is affected by regulation instead of looking at regulation itself," Sherman explains. "If you think about the traditional way that regulatory courses are taught in law school, the focus is on the Administrative Procedures Act, the essence of the statute and the history and the litigation under the statute. This class turns it all on its head and says, let's hear about regulation from the perspective of the regulated; let's hear how business is affected by regulation. So by the end of the semester, we'll understand all aspects of how business is regulated and what impact it has on the regulated — who will one day be our clients."

And while these students of business law may not go on to become IP experts — for that, there's a stellar range of classes taught by the full-time faculty, including Professors Julie Cohen, John Thomas, Rebecca Tushnet and Neel Sukhatme — they can learn to spot the issues that could have huge ramifications for business.

"IP strategy begins in the boardroom," Sherman says to the class, holding up a clear (and admittedly low-tech) ballpoint pen. Once upon a time, a particular company spent a lot of resources to ensure that the three-letter word "Bic" would be associated in people's minds with a pen. "Paper Mate didn't have to take the brain that far," Sherman says. "If you choose something fanciful, you have to convince people what it means."

As part of Sherman's D.C. Advantage class, students simultaneously pursue an externship in Washington, D.C., that focuses on business regulation. Shanna Holako (L'17), for example, chose to work with the Federal Communications Commission. But the goal of that part of the class is not simply to have an externship; it's to get students to look at their externships *differently*.

"I am trying to get them to think about the industries they are regulating," Sherman says. "We had an amazing night where we had representatives from the American Bankers Association, the associate general counsel of a U.S. bank and a banking industry lobbyist talk about how Dodd-Frank has affected the banking industry."

The class was not, however, a mere history of Dodd-Frank. "The associate general counsel was explaining that they have hired over 1,300 employees to deal with the impact of Dodd-Frank, and he's helping manage these 1,300 people," Sherman says. "All the students' jaws dropped, because we're not teaching that in law school. Businesses have to comply, and we as lawyers have to help them get into compliance."

Sara Rafferty (L'17)



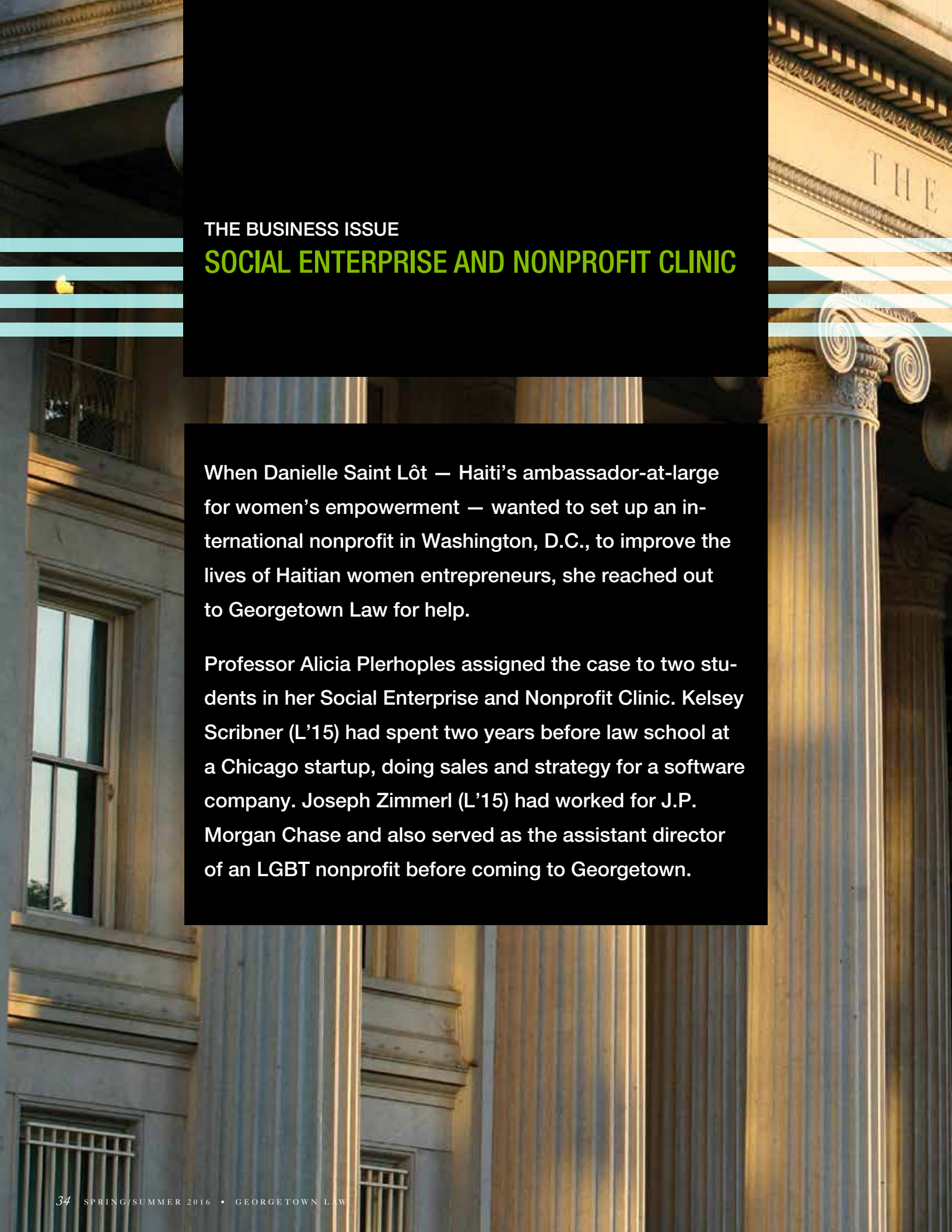
Heading into her 2E summer, Sara Rafferty (L'17) was doing an externship at the Department of Justice and wanted to take a course to accompany that. She chose Business Law Scholars, another class taught by Adjunct Professor Andrew Sherman that incorporates a business-related field placement.

With a heavy background in policy — Rafferty spent four years on the Hill working for Rep. Kay Granger, R-Texas, and now works full time for a lobbying shop — she was eager to explore more business issues. Within the DOJ's civil division, Rafferty worked in the commercial litigation branch for her externship. This summer, Rafferty will be a summer associate at Jones Day, splitting her time between mergers and acquisitions in the Dallas office and white-collar litigation in D.C.

Chase Whiting (L'17)



Chase Whiting (L'17) brought Sherman's Business Law Scholars experience to his full-time job at a nonprofit — which happens to be Georgetown University — in which he helps build business plans that attract philanthropic investment to key university priorities. This summer he will be working in the San Francisco office of Paul Hastings, where he hopes to learn more about transactional law and growth industries. "There is a real and tangible need for today's lawyers to have hard business skills," he said, noting that more law firms in the present economy are hiring corporate attorneys than litigation attorneys. "Those are among the most important skills that are being sought by employers out there."



THE BUSINESS ISSUE

SOCIAL ENTERPRISE AND NONPROFIT CLINIC

When Danielle Saint Lôt — Haiti's ambassador-at-large for women's empowerment — wanted to set up an international nonprofit in Washington, D.C., to improve the lives of Haitian women entrepreneurs, she reached out to Georgetown Law for help.

Professor Alicia Plerhoples assigned the case to two students in her Social Enterprise and Nonprofit Clinic. Kelsey Scribner (L'15) had spent two years before law school at a Chicago startup, doing sales and strategy for a software company. Joseph Zimmerl (L'15) had worked for J.P. Morgan Chase and also served as the assistant director of an LGBT nonprofit before coming to Georgetown.

Now in its third year, the clinic offers free corporate and transactional legal services to social enterprises, nonprofits and select small businesses in Washington, D.C. — and gives students valuable training in transactional lawyering and client representation.

Students Zimmerl and Scribner immediately set to work helping Saint Lôt. Her goal was to set up an organization to empower Haitian women through social entrepreneurship, leadership skills and professional development, and her foundation would include a one-year training academy in Haiti to prepare women entrepreneurs for the global market.

"We wrote their articles of incorporation, incorporated them in the District of Columbia and drafted their bylaws and a host of other governance documents," Scribner says. "We also held their first board meeting, worked with their board and applied for tax-exempt status with the IRS."

The students also provided advice on corporate governance as well as antiterrorism financing, of particular concern to international nonprofits. This meant they honed skills like drafting, interviewing, counseling, time management and, of course, strategy. "It's not me telling them what case to look at or what statute to look at; it's them coming up with a plan for the semester," Plerhoples says.

Saint Lôt couldn't have been more pleased. "Having our foundation registration in D.C. and the IRS 501(c)(3) status — for U.S. philanthropists and corporate donors interested in Haiti recovery through women's empowerment — it's huge," she says. As for her attorneys, she found them "really practical" for facilitating the incorporation of the foundation and completing all the paperwork in a short amount of time. "They were two students, but they were professionals — and they did it pro bono. … If we had to go to a law firm, it would have cost us more than forty thousand dollars."

For Zimmerl, the clinic experience worked out equally well. "One of the best parts about the clinic was that there is a lot of tax research, especially for nonprofits," he says.

At the New York office of Shearman & Sterling, Scribner is currently doing a pro bono assignment that is related to her work at the clinic. "Especially working now, I realize that the opportunities I had were really invaluable. The number of classes and chances for practical learning that Georgetown offers in the corporate law field are really unparalleled."



Kelsey Scribner (L'15) had spent one Georgetown Law summer in the New York and Hong Kong offices of Sherman & Sterling focusing on international business before she started work in the Social Enterprise and Nonprofit Clinic. Joseph Zimmerl (L'15) had worked at the Administrative Conference of the United States, a small federal agency, to further his interest in tax law before he went to work at the clinic.



THE BUSINESS ISSUE

THE LEADERSHIP FACTOR

According to Visiting Professor Jamie Baker — until recently the chief judge of the U.S. Court of Appeals for the Armed Forces — a defining characteristic of leadership is a strong commitment to ethics. In the Marine Corps, for example, the ethic of leadership is embodied in this simple phrase: "Officers eat last."

"The phrase is not really about food, although officers should eat last; it is about taking care of others first, before thinking of yourself," explains Baker. "It is about the bond between leaders and those led, seniors and subordinates … even partners and associates. And that means that there is nothing you would ask someone to do that you wouldn't do yourself, including taking personal risk, and you always take care of your people before you take care of yourself."

It was a good rule to live by — though he admits it required a bit of fine-tuning in places that didn't have a "chow hall." But as Baker's civilian career path led him to roles including special assistant to the president, legal adviser to the National Security Council and chief judge on the U.S. Court of Appeals for the Armed Forces, he found ways to adapt.

"When I became a judge and I had the opportunity to work with a team of clerks, I had the concept that I wouldn't ask my clerks to do anything that I wouldn't do myself," Baker says. "But it didn't make sense for all of us to be reading the same record of trial or researching the same case; instead I realized the example I should set was to focus on the things that only the judge can do, like deciding whether to take the case or how to frame the result."

Most of the classes that Baker teaches — from Managing National Security to Professional Responsibility: Challenges in National Security Law (for mid-career LL.M.s) to a new National Security Law seminar on the theory and practice of leadership — have leadership and ethics baked in. And of the many skills he considers essential (including judgment, listening, even stamina), two surprising ones emerge: First, know what you stand for.

"If you don't know what you stand for, when the pressure comes on you to bend the law or to bypass the process, you will not know where to draw the line because you will not have thought through what the line looks like and why. And in so doing, you will give away one thing that only you can give away … your self-respect as a lawyer and a person."

Second, know who your role models are. "Lawyers are going to serve their country with their moral courage, not their physical courage," says Baker, whose own models include Frank Johnson, a prominent civil rights judge in Montgomery, Alabama, and Jack Downey, a CIA operative who ultimately became a juvenile court judge after spending more than 20 years in a Chinese prison. "The rarer of the two is moral courage, and I say, as lawyers, that's your job."

EQ: EMOTIONAL INTELLIGENCE

Georgetown Law is ramping up its leadership skills, and the training has started early. A select group of recent 1Ls in 2013 and 2014, for example, have benefited from a two-year pilot project called the 1L Leadership Academy. Spearheaded by Dean of Students Mitch Bailin and Elizabeth Ewert, director of academic Enhance-



Michael J. Robertson (LL.M.'12) entered Georgetown Law's LL.M. program while he was working in the Senate as a legislative coordinator for then Sen. Barack Obama. By the time Obama moved into the White House, Robertson had served on the presidential campaign directing the super-delegate operation and as deputy working group leader on the transition team. And by the time Robertson finished his studies in 2012, he was serving in the president's administration as chief of staff to the U.S. General Services Administration. Today — after two years in the White House as deputy assistant to the president and deputy cabinet secretary — he's senior adviser to the Treasury Department, working with Treasury Secretary Jack Lew (L'83, H'14).

Leadership and Team Skills for Lawyers "helped me refine and improve some of the ideas I had already learned and implemented," says Robertson. "It also allowed me to test out practices in a classroom academic setting and then use them in my professional life."

Robertson's own leadership skills would be put to the mettle when, in 2012, some GSA employees illegally spent taxpayer money. As chief of staff, it would fall to him to make some of the toughest decisions in his professional career. "We had to fire people, and the administrator resigned while we were managing a congressional investigation," he recalls. "Because I relied on my leadership skills and training, I was able to fix the problem at hand and stay around afterwards to lead the change we needed to move the agency forward."

ment Programs, the academy has provided two groups of 20 first-years 30 to 40 hours of instructio n in, among other things, collaborative problem solving and leadership and a course focusing on the "Seven Habits of Highly Effective People." The students selected have ranged from those just out of college to those with serious leadership experience in business, government and the military. And with the success of the pilot program, those at the Law Center are considering how to take it to the next level.

No one is more pleased than Assistant Dean Larry Center (L'74), who has spent the past 17 years teaching "The Seven Habits of Highly Effective People" to all members of the Georgetown University community — the past two years to students as part of the 1L Leadership Academy.

"What I have heard over the years from senior partners at law firms, high-ranking government officials and chief legal officers at corporations is that what separates successful young lawyers [from the rest] are the communications skills and interpersonal skills, what these days is often called "EQ," or emotional intelligence," says Center, who is now offering leadership coaching to staff members at the Law Center. "What I've heard from senior partners over and over again is when young lawyers rise up the ranks, [and] they don't make partner, it has little to do with their knowledge of the law. Almost always it has to do with their lack of these emotional intelligence skills, including leadership."

Heather Bock, the executive director of Georgetown Law's Center for the Study of the Legal Profession and chief professional development officer for Hogan Lovells, was prompted to start teaching leadership and team skills after spending more than a decade observing new associates in law firms. "They hadn't had an opportunity to learn about the best practices of how you work in teams, so I approached Georgetown and asked if they'd be interested in having me teach a course," says Bock, who has taught Leadership and Team Skills for Lawyers for years, along with Adjunct Professor Lori Berman. "A lot of the concepts are drawn from what business schools teach, organizational behavior, but it was really being in the law firm and seeing the struggles of new associates that prompted me to look into teaching it at the law school level." (Bock, Berman and Adjunct Professor Juliet Aiken just published *Accelerating Lawyer Success: How to Make Partner, Stay Healthy and Flourish in a Law Firm* [ABA Book Publishing, 2015]).

TRUTH AND CONSEQUENCES

While advancing in one's career is important, poor leadership can have devastating consequences. In the Collaborative Problem Solving and Leadership component of the Leadership Academy, Professor Mitt Regan, director of the Center for the Study of the Legal Profession, and Deputy Director Juliet Aiken have been guiding students through case studies involving the 1986 explosion of the space shuttle Challenger and 1996 deaths of climbers on Mount Everest.

"These are really smart people; they are literally rocket scientists," Regan says of the Challenger disaster, "and there were ways in which the leaders of each of the teams, the NASA team, the contractor team, didn't try to ensure that the group did deliberations, that everyone spoke up, that they were considering all the information. The dynamics were such that it even became somewhat adversarial: NASA really wanted to

go, at least one engineer and a contractor thought they shouldn't, and there were other members of the contracting team who were at least ambivalent about it. So it wasn't organized, and it didn't unfold as a collaborative problem-solving process."

Baker notes that most of the students in his class are not going to perform the modern-day equivalent of a D-Day invasion. They will, however, work with people, which is why his leadership case studies range from the positive (the Cuban Missile Crisis) to the negative (Hurricane Katrina) to the toxic (Herman Wouk's fictional novel *The Caine Mutiny*, or the 1954 film starring Humphrey Bogart). And there are plenty of course materials, including Baker's own list of the greatest challenges to being a national security lawyer.

Decades after he first heard the phrase "Officers eat last" as an infantry officer in the Marines, Baker is still learning. "I shared this list with a group of judge advocates from all over Africa, and they said, 'We have all these same challenges; that's a really good list.' And then a hand shot up and said, 'I agree with your list, but what should I do if there's a coup? Is the law worth dying for?' I didn't have 'coup' as one of my challenges, which helps put into perspective how lucky we are to serve as lawyers in a constitutional democracy committed to the rule of law."



Bizunesh "Biz" Scott (LL.M.'12) — now a partner in the Washington, D.C., office of Steptoe & Johnson — went to law school to become a leader. Which is why after law school at Michigan and a clerkship on the U.S. District Court for the District of Columbia she found herself as a law firm associate looking for other ways of climbing the career ladder. "I was very hungry to be at the top of my game, so I felt like going to Georgetown and getting an LL.M. would help me," she says. "Georgetown has such a unique program in being able to pull from practicing lawyers in D.C., doing what you want to do."

Pursuing a multiyear LL.M. with a concentration in energy and environmental law, Scott took Leadership and Team Skills for Lawyers. "Georgetown is great about practical law, but this class taught you how to work with lawyers, clients and personalities," she says.

At the same time, she moved from her law firm role to interim general counsel of Golfsmith International, then to chief counsel of the Pipeline and Hazardous Materials Safety Administration at the U.S. Department of Transportation and then, in 2011, became special assistant to President Barack Obama, where she and a small staff managed the appointment process for high-level officials.

"This was the first time I was leading people who were not attorneys, and I wouldn't have been able to do it without the understanding that I had from that class, learning about different motivators and leadership styles," she says. "I would have tried to manage them like I would have managed a group of young lawyers, and that would have been completely ineffective."

THE BUSINESS ISSUE

ALUMNI ENTREPRENEURS SHARE THEIR STORIES

By Melanie D.G. Kaplan

Growing up in Los Angeles in the 1970s, **Doug Leeds (L'96)** would approach his father with a query — say, about spending the night at a friend's house. Before long, he'd enter a world of mental jiu-jitsu. Defending himself over the most trivial things was exasperating, Leeds remembers. But even worse, he would ultimately — inexplicably — find himself arguing *against* his case.

Today, Leeds is CEO of the newly formed digital giant IAC Publishing, whose portfolio includes About.com, the Daily Beast and Dictionary.com; the combined sites reach an audience of more than 100 million users a month. While he hasn't built a company from the ground up, he sees himself as a chairman of the board of sorts — of seven independent companies that he says are on the precipice of a "complete transformation of the way people consume information."

In this environment, having the best senior people under him is paramount, and in creating that team, Leeds often thinks back to his childhood and law school. He understands now that his father's adoration of argument came from a place of love and trust. Not only does he find it endearing, but he's spent his career trying to re-create that contentious environment — and that which he embraced in equally argumentative law school study groups.

"You wield so much power when you can frame the question," Leeds says, explaining that he ingests information and learns by hearing arguments from both

sides. He surrounds himself with people who contradict him and encourages aggressive questioning, even in a culture that frowns on public disagreement. Leeds jokes that he could be replaced at his desk by a wind-up doll that asks "Why? Why? Why?"

But while questioning is second nature to Leeds — who was most recently CEO for Ask.com, where he grew profits 20-fold in five years — he has learned that business leaders need to be able to step beyond questions and analysis.

"It's more than assessing risk," he says. "At some point, you have to take action." When he worked as an in-house lawyer at Yahoo, Leeds, like many lawyers, found himself handing opinions to others, who then made decisions. "Decision-making is hard," he says. "It means accepting risk and taking responsibility for that decision. Until you sign your name at the bottom, you're not doing the high-value job."

Georgetown's Thomas Aquinas Reynolds Professor of Law Donald Langevoort, who teaches Securities Regulation and Corporations, says that while historically lawyers were risk-averse, that portrayal is largely outdated today.

"The discourse in law school the last 20 years is lawyer as problem-solver, not as risk-avoider," Langevoort says. "That's a different mindset from a person who just shakes their head, 'No, no, no, you can't do that.'" Langevoort, who has researched risk attitudes, says law school may still attract those who err on the side of too much pru-



"It's more than assessing risk," he says. "At some point, you have to take action."

Doug Leeds (L'96)



GLOBAL GREEN USA

"This is the first time I've put 'J.D.' on my business card. It says to people I work with that this company is not just a pie-in-the-sky idea; it's a legally vetted solution."

Roger Gordon (L'11)

dence, but he says that Georgetown works hard to move students beyond their natural inclinations.

A growing number of Georgetown Law alumni are taking that next step and starting or building business ventures. Those who flourish understand a fundamental of successful entrepreneurship: Skills and experience are of little use if one isn't willing to take risk.

Langevoort teaches risk as opportunity — something to be carefully managed but not avoided. "Don't fall in love with a dream," he tells students, "but do bring your critical faculties to it."

LEGAL SKILLS FOR BUSINESS FIXES

Among Georgetown Law's alumni entrepreneurs, many would say they were driven by a desire to make the world a better place. But armed with legal training, they also know better than most how to use the law to solve complex problems.

Roger Gordon (L'11) grew up in Brooklyn in a family of nurses. He learned at a young age that helping those in need is complicated, but that you can never go wrong by giving someone food.

"We throw away twice enough food to feed every hungry person in America," Gordon says. "Forty-four million tons of food are tossed each year because of shipping and temperature errors. It's a complicated problem of economics and logistics."

Gordon founded and published the *Minority Law Journal* (now published by American Lawyer Media) in the early '90s, got his MBA and was running an economic development nonprofit in San Francisco in the early aughts when he headed to law school, at age 38. He'd increasingly run into legal hurdles helping people raise money and open businesses in tough neighborhoods and yearned for the tools to do more.

Law school became a transformational time for Gordon, who was older than many of his professors. He found solace talking to Catholic chaplain Sister Dorinda Young and also to the late Father Robert Drinan, who served in Congress and taught ethics at the law school.

Throughout school, Gordon would get calls from his brother Richard, a long-haul truck driver, for help placing unwanted truckloads of food. Richard began giving

Gordon's number to other truckers, in an effort to coordinate the delivery of food to charities and food banks.

While fielding these calls and studying for the bar, Gordon realized that most truckers have smartphones and that they could use the same mobile technology to prevent food waste as we already use to enjoy food consumption. He created an app that would lead him in 2012 to co-found Food Cowboy. The company's cloud-based solutions allow food companies to send surplus food to charities or divert it to composters — instead of adding to landfills. Food Cowboy has made finding a home for bruised bananas as easy as text messaging.

Gordon says people too often see the law as an impediment to problem-solving. "They'll say it's illegal to give food away, or they're afraid they'll get sued," he says. "This is the first time I've put 'J.D.' on my business card. It says to people I work with that this company is not just a pie-in-the-sky idea; it's a legally vetted solution." Endeavoring to disrupt existing systems (the food industry and food banks) is no small feat, but having a legal education, Gordon says, "gives you the credibility to talk about big ideas and big solutions. It allows you to take more intelligent risks and allows people to take risks on you." Next up for this cowboy: developing what he calls a hunger investment fund, creating a presence on Capitol Hill and talking to corporate America about changing the way companies handle their inventory.

Anbinh Phan (L'10) was also driven to law school by a desire to understand how systems worked — especially those related to international trade. Phan was born to Vietnamese parents in a UNHCR refugee camp in Malaysia, and throughout life, her choices have been influenced by her opportunities in the United States. "I was always interested in international development, because I knew about inequality and disparity," Phan says, adding that her parents' journeys (they were both pharmacists) inspired her. "I was always grateful for the opportunities I had, and I wanted to do something for the public good."

After working as an economist at the U.S. Treasury, Phan chose law school. Ultimately, she wanted to help developing countries navigate international trade, but she also found herself drawn to human rights issues.



"The world of entrepreneurship moves a lot faster," she says. "What do you do about Airbnb? What do you do about Uber? All around the world, I see the law is trying to catch up."

Anbinh Phan (L'10)

Through courses at Georgetown Law, she was able to explore her varied interests, whether it was the courts of Cambodia or combating slave labor. She organized a few student events, including one panel on human rights careers and another on human trafficking in the Jordan free trade zone. With no experience in entrepreneurship, she enrolled in a class at the business school, discovered a way to scratch her creative itch and soon found yet another love.

"These three things are all important to me: international trade and law, human rights, and social entrepreneurship and investment," Phan says. She remembers a conversation with Professorial Lecturer Viet Dinh, co-director of Georgetown Law Asia; coincidentally, their parents shared the same small hometown. He encouraged Phan to remain open to all of her interests.

"Georgetown opened a path to different things I care about, and I still hold all three in my heart," she says, noting that her decision to move forward on this complex path was based on her Christian faith. "I don't think my life is easier because of it, but I think it's richer."

Phan sought to create a business in which kids could help their peers around the world. After graduation, she created product prototypes and worked with the school's Social Enterprise and Nonprofit Law Clinic to create Aloetree, which makes fair-trade children's clothing and donates money from each sale to a nonprofit fighting child trafficking in Cambodia. The clinic helped Aloetree in 2013 become the first benefit corporation in D.C., a new classification that is a corporation-nonprofit hybrid, with missions that include doing good for employees, suppliers and their communities.

Phan would next like to create educational materials and toys for kids. She finds it rewarding to be involved in a venture that merges law, public policy and creativ-



"We have a lot of investments that at the end of the day will make the world a better place."

Zachary Bogue (L'02)

ity. She says a legal education has helped her immensely in writing and organizing her thoughts, and she's eager to see how regulation will keep up with innovation in the future.

"The world of entrepreneurship moves a lot faster," she says. "What do you do about Airbnb? What do you do about Uber? All around the world, I see the law is trying to catch up."

Zachary Bogue (L'02) also left law school with varied interests — but unlike Phan, he arrived at Georgetown with an entrepreneur gene. Bogue's grandparents owned weekly newspapers in Nebraska, his father had his own law practice, and his mother — also a lawyer — ran a few consulting businesses.

Working as a private investigator for death penalty defense lawyers exposed Bogue to one side of the law and inspired him to participate in the criminal law clinic once he arrived at Georgetown. Some days he imagined himself as a public defender; others, he dreamed of being a corporate lawyer.

At Georgetown, one course in particular stuck with Bogue: Structuring Venture Capital with the late Professor Martin Ginsburg. A summer associateship with Wilson Sonsini Goodrich & Rosati, a leading technology law firm, gave Bogue a taste of representing entrepreneurs. The firm hired him as an associate, but eventually, meeting with startups wasn't enough. Bogue formed a real estate fund called Montara Capital Partners and subsequently co-founded one of the first co-working spaces, Founders Den.

Around that time, Bogue met his future business partner; they began investing in and incubating big-data startups and founded venture fund Data Collective in 2010. Today they have more than 100 companies in their portfolio, including Planet Labs and Kaggle, and Bogue says he uses his legal training daily to understand the structure of each venture capital deal. While he does have a fiduciary duty to his investors, Bogue finds that investing with a social conscience is a successful strategy because some of the best startups also promote the public good.

"We have a lot of investments that at the end of the day will make the world a better place," Bogue says, citing start-ups that improve agriculture, advance geospatial intelligence or ensure that developing countries have access to credit. Among the companies, some have more than $100 million in revenue; others are simply two entrepreneurs and a backpack. Bogue, who is married to Yahoo CEO Marissa Mayer, doesn't regret his decision to forgo criminal justice. "I'm working for a for-profit company," he says, "but I do think about public service. It was a path not taken."

A GROWN-UP APPROACH TO RISK

Doug Leeds knows a lot of lawyers who struggle with risk, but just like a gambler who doesn't take money out of his pocket, he says, an entrepreneur won't get any-

where without placing bets. "I think everyone's somewhat afraid to take risks," Leeds says. "It's whether you enjoy that kind of feeling and whether the fear paralyzes or motivates you."

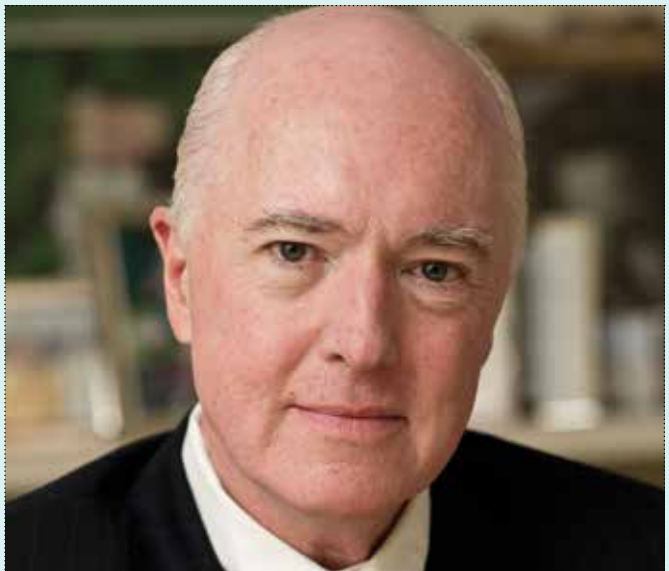
For those motivated by fear, Langevoort says, the reward is financial compensation. But, he adds, the odds are substantially greater that a new venture will fail. "Those ventures that succeed are the ones where people take a grown-up approach to risk. That's what we're trying to get law students to see."

David Bradley (L'85) took that leap while he was still at Georgetown Law. He'd grown up in the Washington D.C., area, gathering with his family to watch Perry Mason and devouring Pulitzer Prize-winning *Advise and Consent* when he was 12. He dreamed of becoming a lawyer and a young Republican senator by the time he was 30. In college, he worked on President Richard Nixon's reelection campaign and interned at the White House. Bradley remembers feeling too "self-important," intoxicated by the power all around him.

He went to business school and then arrived at Georgetown Law, taking a break after his first year to start the Research Counsel (which became the Advisory Board Company and spun off the Corporate Executive Board, both of which are now publicly traded companies). When he returned, he was focused on his business and knew his spot at the *Georgetown Law Journal* was in jeopardy. Eventually, the editor called him in, said his absence was unacceptable and asked him to give up the business — which by this point had 12 employees. When he refused, the editor suggested an alternative: If he came to the office every Friday at midnight to defrost the freezer, they would keep him on the staff. For a year, Bradley kept up his business, defrosted the freezer and eked by in his classes. To this day, he still has dreams of walking into classes unprepared.

By the time Bradley was 40, in 1993, his companies were successful, but he was starting to rethink his political aspirations. On a long, sleepless flight from Washington to Tokyo, he experienced what he now describes as a mid-life crisis. "I must have known deep inside that I was never going to be a U.S. senator, and the dream was gone," he says. By the time he landed at Narita International Airport, his path was clear: "I thought, 'If I can't be in politics, I can be in media. So let me buy some publications.'" He purchased *National Journal* in 1998 and *The Atlantic* in 1999.

Bradley says taking business risks has never scared him. "I have other fears, but not that." His father, a longtime General Electric employee, was a child of the



RICHARD BLOOM

"What I'm looking for is the insight that nobody else has spotted," he says. "I have to listen deeply. That's all first-year law school."

David Bradley (L'85)



"There's the broad concept of risk and being part of an organization that could fail, but there's also a lot of risk mitigation you can do, so you're not just out on a limb."

Brittany Heyd (L'13)

Depression. "He was frightened by money. I didn't get that gene." Today, Bradley is chairman and CEO of Atlantic Media, whose portfolio includes *The Atlantic* and *Quartz*.

Georgetown Law taught Bradley to work harder than he ever could have imagined. It also taught him to listen and focus, skills that have been more valuable in his career than his oft-used proficiencies in contract and employment law. For instance, to reverse *The Atlantic's* decades-long downward slide — and cognizant that growing digital platforms was part of the solution — he set off on what he calls a listening tour. Bradley met with editors at some of the country's best-known publications and asked them about their challenges: What are your problems? What keeps you awake at night?

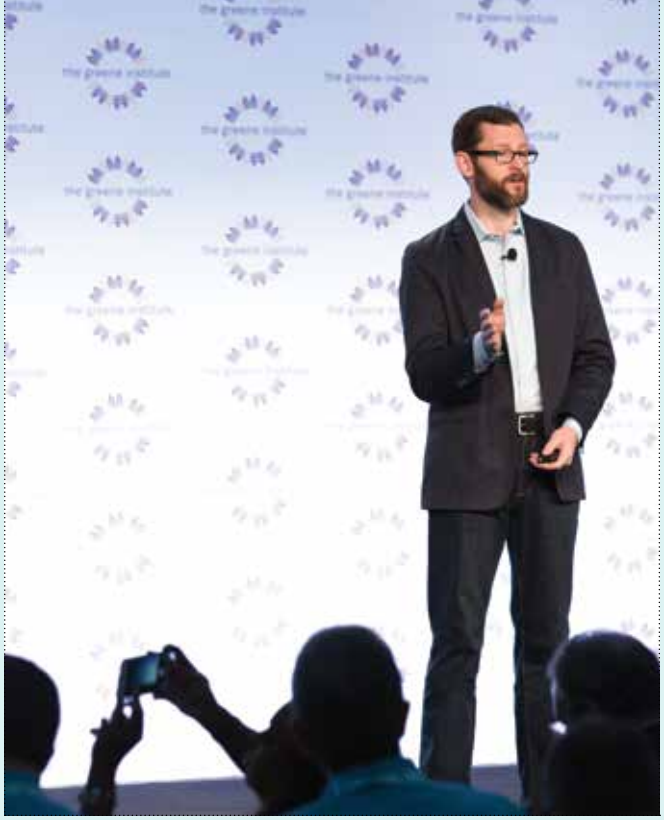
Bradley has a well-documented knack for listening and finding insights and conclusions from granular detail. Last summer, he was featured in a *New Yorker* article that detailed his role in organizing a search for five hostages kidnapped in Syria.

"What I'm looking for is the insight that nobody else has spotted," he says. "I have to listen deeply. That's all first-year law school."

Brittany Heyd (L'13) also dived into entrepreneurship while she was a law student. She grew up in Southern California and moved to Washington for an internship on the Hill. After working in wealth management, she began a joint degree program in law and public policy at Georgetown. A White House job promoting entrepreneurship turned out to be a pivotal moment in her career. She took advantage of business classes at the law school, including Entrepreneurship and the Law with Andrew Sherman and Securities Regulations with Langevoort.

In Heyd's third year of law school, she was still in touch with her White House colleagues and had continued volunteering with regional startup initiatives. That winter, she joined the founders of 1776, a seed fund and incubator that invests in startups focused on areas such as health, education, energy and transportation.

"The opportunity came much faster than I anticipated," says Heyd, who expected to work at a law firm after graduation. "But the point was, I was ready, and I wanted to be part of the founding team. The coolest part of entrepreneurship is being on the front lines of the end product and seeing the ball moving forward."



GREEN INSTITUTE

> "It's just that at a firm, you're a passenger; as an entrepreneur, you're the driver."
>
> *Tonio DeSorrento (L'08)*

Today, Heyd is managing director and general counsel of 1776, which has 36 employees, 325 startups and 25 investments in its fund. Day-to-day, she manages the incubator, campuses and events teams, and she spends a lot of time reading, red-lining and negotiating contracts. Her legal tasks range from due diligence for investments to managing potential litigation matters.

Heyd isn't afraid of taking chances. "I'm very comfortable with risk," she says. "There's the broad concept of risk and being part of an organization that could fail, but there's also a lot of risk mitigation you can do, so you're not just out on a limb."

At 30, Heyd is admittedly a very young general counsel, and she knows she has much to learn. But she also points out that most startups don't need a general counsel and someone in her position must have value beyond legal training. "People management, strategic planning — those are all executive-level skills that are hard to build, that I'm learning on the job." When she talks to students in Georgetown's Corporate Counsel class or hosts them for the entrepreneurship segment of orientation week, she explains that getting involved in an early-stage company requires relationship-building and trust.

For **Tonio DeSorrento (L'08)**, Georgetown Law offered exposure to divergent ways of thinking, an eye-opening experience that cemented a new perspective in his career. At a young age in upstate New York, he became familiar with entrepreneurial risk; his father had a business making concrete steps. But then DeSorrento became an artillery officer in the Marine Corps, where uniformity was the norm.

"When I got to Georgetown, it was my first civilian experience [as an adult]," he says. "I met people from different backgrounds, and they were all very smart, but there was no consensus at all about the things we studied." For the first time, DeSorrento understood that problem-solving wasn't simply a matter of solution A or B. He realized that problems had layers — such as a legal layer and an ethical layer — and people had layers as well.

"On campus, I found a new respect for those who disagreed with me," he says. "People live in echo chambers and tend to think if someone disagrees, they're either dumb or dishonest." Exposure to diversity of thought among well-educated peers yielded a new way of thinking — one that he still retains today.

DeSorrento is cofounder and CEO of Vemo Education, an eight-person company addressing the student debt crisis. His experience in education finance began when he served as outside counsel to Sallie Mae, but while he enjoys complex financing for large institutions, he came to love the fast-paced startup environment. He also appreciates that human relationships are at the core of any business — whether it's with a client or employee. "It's fundamental to solve people's problems," he says. "We do that for our friends all the time."

DeSorrento was touched by these human connections as early as his first week at Georgetown Law, especially long-term relationships with those older and wiser. He saw alumni visiting beloved professors and clerks connecting with judges. Today, he teaches at the school as an adjunct and visits his own teachers.

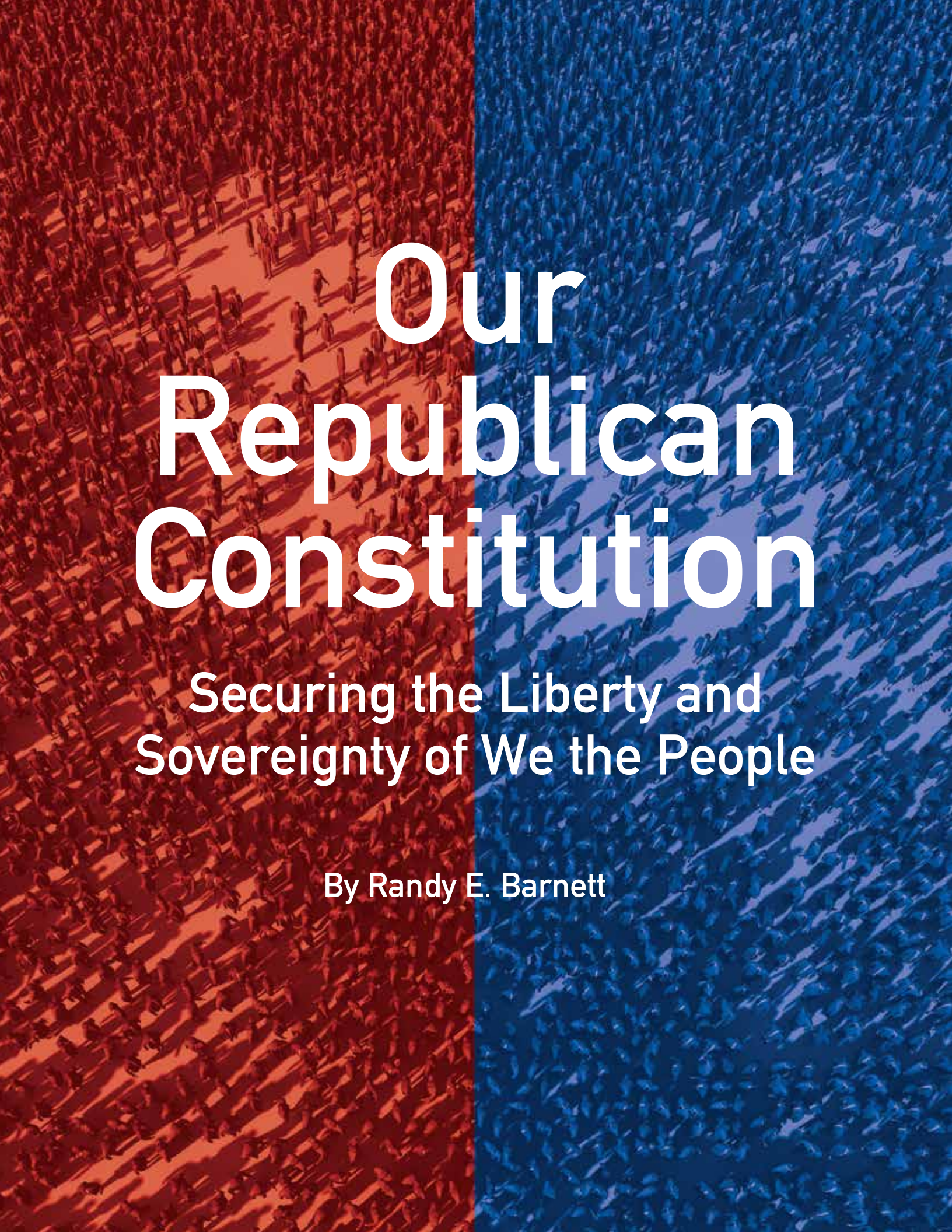
Now that he's running a company, DeSorrento doesn't consider entrepreneurship especially risky. "It's a fallacy that it's riskier on your own," he says, stressing that there's no business in the world that will keep an employee around if he or she isn't adding value; and no firm will save an associate if the business goes sideways. The ultimate message, he says, is that you can't avoid risk. "It's just that at a firm, you're a passenger; as an entrepreneur, you're the driver."

THE OTHER SIDE

At Georgetown, Doug Leeds loved studying law and fully expected to become an antitrust lawyer — he was turned on to this area of law in a course taught by Professor Steven Salop. He enjoyed a negotiation class his third year, which became useful later in his career. But it was learning to think like a lawyer at Georgetown — to break apart a problem and determine the right questions — that Leeds says has distinguished him more than anything else in his career. He remembers Professor Girardeau Spann in his first-year contracts class saying, "You need to find the question!" Leeds compares him to the brilliant Sheldon Cooper character in "The Big Bang Theory." "He taught you to really think and to look at the other side," which he says is invaluable in business.

These days, Leeds and his father are close. Inevitably, he solicits his father's advice about a business situation, and his father replies with a legal solution. The interactions still drive Leeds crazy, but he can't help but share the love with his three daughters.

"I don't think I challenge them as much as my father challenged me, but I think they'd say I absolutely do the same thing," Leeds laughs. "Certainly the people who work for me feel the same way; they know I want to argue."



Our Republican Constitution

Securing the Liberty and Sovereignty of We the People

By Randy E. Barnett

Americans today are divided politically, ideologically, and culturally. Some of us live in blue states and watch CNN; others live in red states and watch Fox News. Some Americans want more government, others less. We engage in passionate debate over myriad issues: gun control, health care, same-sex marriage, immigration, the war on terrorism — the list of issues that divide Americans goes on and on. Our divisions are reflected in print, on the airways, and increasingly online. Battles are fought in city councils, state legislatures, and in the halls of Congress.

Of course, as we saw with Obamacare, the Supreme Court too is divided. This is because Americans are not just divided about politics, culture, and ideology. Americans are also divided about the Constitution itself. Every open seat on the Supreme Court is an occasion for intense partisan conflict. Confirmation hearings for Supreme Court justices become Kabuki theater in which our deep political conflicts are transformed into competing visions of the Constitution.

In this book, I call these divergent visions the "Democratic Constitution" and the "Republican Constitution," but I don't intend these labels to be partisan. There are political conservatives who hew to some aspects of the Democratic Constitution and some progressives who adopt aspects of the Republican one. Many people flit between conceptions depending on which happens to conform to the results they like. I chose the terms democratic and republican constitutions because both terms have deep roots in our constitutional history, and neither is pejorative. I dislike arguments by labels and both these labels today have a positive connotation.

At its core, this debate is about the meaning of the first three words of the Constitution: "We the People." Those who favor the Democratic Constitution view "We the People" as a group, as a body, as a collective entity. Those who favor the Republican Constitution view "We the People" as individuals. This choice of visions has enormous real-world consequences.

Each vision of We the People yields a different conception of what is called "popular sovereignty." Those who adhere to the Democratic Constitution hold a different conception of popular sovereignty than those who adhere to the Republican Constitution. So let me begin by explaining the role that popular sovereignty plays in our thinking about the Constitution.

The concept of popular sovereignty was first developed in the United States at the time of our founding. Back then it was a first principle of political theory that sovereignty — or the right to rule — must reside somewhere in any polity. While the ultimate sovereign was thought to be God who ruled the world, on earth, monarchs claimed to be the sovereign rulers of their own people, ruling by delegation from God, or what was called divine right.

When the Americans had their revolution and rejected the rule of the English King, political theory required them to say who was sovereign in their new polity. The answer they gave was that "the people themselves" were the ultimate sovereign. But this raised at least as many questions as it solved. If "sovereignty" was an answer to the question of who has the right to rule, in what sense do the people rule? This seems like a contradiction. We need government to rule the people, and yet the people themselves are supposed to be the ultimate ruler. What sense does this make?

THE DEMOCRATIC CONSTITUTION

What I am calling the Democratic Constitution is one way to address the problem of how the sovereign people can be said to rule. If sovereignty is conceived as residing in the people collectively, then popular sovereignty means rule by the people as a body. And rule by the people as a body then means rule according to the "will of the people."

From the book *Our Republican Constitution: Securing the Liberty and Sovereignty of We the People* by Randy E. Barnett. Copyright © 2016 by Randy E. Barnett. Reprinted by permission of Broadside Books, an imprint of HarperCollins Publishers.

Of course, it makes perfect sense to talk about the will of a sovereign monarch. But in what sense does a body of individual persons have a collective will or desire? No one who makes claims about the will of the people claims that there must be, or ever is, a unanimous consensus of everyone to some particular desire. In practice, the collective "will of the people" must rest on the desires of a majority or supermajority of the people. It does not — because it cannot — rest on the desires of everyone.

Therefore, in operation, a conception of popular sovereignty based on rule according to the will of the people means rule according to the will of a majority of the people. So the Democratic Constitution:

- starts with a collective vision of We the People,
- which leads to a conception of popular sovereignty based on the "will of the people" as a group,
- which, in practice, can only be the will of the majority.

For this side of our constitutional divide, then, a legitimate constitution is a Democratic Constitution. It sets up institutional mechanisms by which the desires of a majority of the people can be expressed.

If a well-constructed Democratic Constitution, based on a collective conception of popular sovereignty, is one that allows the will of the majority to prevail, then a number of important implications follow:

First and foremost, any principle or practice that gets in the way of the will of the majority or majority rule is presumptively illegitimate and requires special justification.

Under a Democratic Constitution, the only individual rights that are legally enforceable are a product of majoritarian will — whether the will of majorities in the legislature who create ordinary legal rights, or the will of majorities who ratified the Constitution and its amendments who created constitutional rights.

So, under a Democratic Constitution, first comes government and then come rights. First one needs to establish a polity with a legislature to represent the will of the people. And then this legislature will decide which rights, if any, get legal protection and which do not.

A Democratic Constitution is a "living constitution" whose meaning evolves to align with contemporary popular desires, so that today's majority is not bound by what is called "the dead hand of the past." The will of yesterday's majority cannot override the will of the majority today.

Under a Democratic Constitution, unelected judges who are not accountable to the majority present what Alexander Bickel called the "counter-majoritarian difficulty." Judges are not selected to represent the desires of anyone. They are appointed, not elected, and in the federal system they serve for life. To the extent they invalidate popularly enacted laws, these unelected and unaccountable judges are thwarting the will of the people as expressed by their elected representatives.

Because of all this, under a Democratic Constitution, judges are told they should exercise their power of judicial review with "restraint." They should "defer" to the will of the popularly elected branches by adopting a "presumption of constitutionality" that simply presumes — perhaps irrebuttably — that properly elected legislatures have acted properly when they restrict the liberties of the people. For the people are only restricting themselves, we are told, and how they are to govern themselves is for their democratically selected representatives to decide.

Ultimately, this is how the Obamacare case was decided as it was: a majority of the Supreme Court could assert they were deferring to Congress, the popularly elected and most democratically accountable branch. Who was the unelected Supreme Court to obstruct the will of We the People as manifested by a majority of representatives in Congress? In short, five justices hewed to the vision of a Democratic Constitution.

Today, belief in the correctness of a Democratic Constitution is so pervasive among both progressives and conservatives — and among Democrats and Republicans — that you might be sitting there wondering what other view of the Constitution there could be? Perhaps the most important purpose of this book is simply to identify and describe this other view — what I am calling a Republican Constitution — so that you can recognize it as a distinct vision of the Constitution.

"What separates a Republican Constitution from a Democratic Constitution is its conception of 'popular sovereignty.' Where a Democratic Constitution views sovereignty as residing in the People collectively or as a group, a Republican Constitution views sovereignty as residing in the People as individuals."

THE REPUBLICAN CONSTITUTION

What separates a Republican Constitution from a Democratic Constitution is its conception of "popular sovereignty." Where a Democratic Constitution views sovereignty as residing in the People collectively or as a group, a Republican Constitution views sovereignty as residing in the People as individuals.

If one views "We the People" as a collection of individuals, a completely different constitutional picture emerges. Because those in government are merely a subset of the people who serve as their servants or agents, the "just powers" of these servants must be limited to the purpose for which they are delegated. That purpose is not to reflect the people's will or desire — which in practice means the will or desire of the majority — but to secure the pre-existing rights of We the People, each and every one of us.

Under a Republican Constitution, then, the first duty of government is to equally protect these personal and individual rights from being violated by both domestic and foreign transgressors. The agents of the people must not themselves use their delegated powers to violate the very rights they were empowered to protect. But how may these delegated powers be effectively limited to their proper exercise?

A Republican Constitution views the natural and inalienable rights of these joint and equal sovereign individuals as preceding the formation of governments, so first come rights and then comes government. Indeed, the Declaration of Independence tells us, it is "to secure these rights" that "Governments are instituted among Men." What are the implications of adopting an individual rather than a collective conception of popular sovereignty?

Under a Republican Constitution, because "We the People" consists of each and every person, We the People as a whole never govern. Instead, the power to govern must be delegated to some subset of the people. The small subset of individuals who are empowered to govern the rest of us are not to be confused with the people themselves, but are considered to be the servants of the people. The people are the principals or masters and those in government merely their agents. As agents they are to govern on behalf of the people and subject to their ultimate control.

Under a Republican Constitution, to ensure that these servants remain within their just powers, this lawmaking power must itself be limited by law. The Republican Constitution, then, provides the law that governs those who govern us, and it is put in writing so it can be enforced against the servants of the people, each of whom must swear a solemn oath to obey "this Constitution." Those servants or agents who swear the oath to "this Constitution" — the written one — can no more change the "law that governs them" than we can change the speed limits that are imposed on us.

In short, under a Republican Constitution, the meaning of the written Constitution must remain the same until it is properly changed — which is another way of saying that the written Constitution must be interpreted according to its original meaning until it is properly amended.

Under a Republican Constitution, a completely different picture of judges emerges. Like legislators, judges too are servants of the people, whose primary duty is to adhere to the law of the Constitution above any statute enacted by Congress or by the states. Judges are given life-time tenure precisely so they may hold democratic legislatures within the proper scope of their just powers and by so doing protect the individual "rights . . . retained by the people" — and "the privileges or immunities of citizens" — from being denied, disparaged, or abridged by their servants in the legislature.

But what are these individual rights that are retained by the people? The idea of individual popular sovereignty helps us better to understand just what rights and powers, privileges and immunities are retained by the sovereign people as individuals. Indeed, under a Republican Constitution, the rights and powers retained by the people closely resemble those enjoyed by sovereign monarchs.

- Just as sovereign monarchs claim jurisdiction over their territories and possessions, sovereign individual citizens have jurisdiction over their private property.

- Just as one monarch may not interfere within the territorial jurisdiction of other monarchs, no citizen may interfere with the person and property of any other.
- Just as monarchs may consensually alter their legal relations with other monarchs by entering into treaties, so too may individual citizens freely alter their legal relations with their "fellow citizens and joint sovereigns" by entering into contracts with each other.

Of course, a Republican Constitution is established, in part, so that these liberties of the individual may be regulated by law. But the proper purpose of such regulation must be limited to the equal protection of the rights of each and every person. Any law that does not have this as its purpose is beyond the just powers of a republican legislature to impose on the citizenry. In short, when the liberty of a fellow citizen and joint sovereign is restricted, judges as agents of these citizens have a judicial duty to critically assess whether the legislature has improperly exceeded its just powers to infringe upon the sovereignty of We the People.

It is important to recognize that the Democratic and Republican views of popular sovereignty and We the People are ultimately incompatible. Adopting one of these worldviews will have implications that will differ in all these ways from adopting the other. However, because both worldviews are deeply rooted in our constitutional history and traditions, holders of each have tried to incorporate the most appealing features of the other.

Those who hold a Democratic or collective vision of popular sovereignty based on majoritarian rule have strained to justify the protection of some personal or individual rights — but not so many as to thwart unduly the will of the majority. And those who hold a Republican or individualist vision of popular sovereignty will acknowledge that popular elections provide a vital constraint on the exercise of power by the agents or servants of the people.

So, in practice, a constitution that hews to one of these visions may still accommodate some significant element of the other, albeit in a subordinate way. To identify the nature of a particular constitution, then, the key is to distinguish the features that are the exceptions from those that reflect the more fundamental worldview that animates that constitution. Which worldview underlies and animates the Constitution of the United States? In this book, I explain how our Constitution is a Republican Constitution.

RECLAIMING THE LABEL "REPUBLICAN"

In 2008, Sanford Levinson published his provocative book, *Our Undemocratic Constitution: Where the Constitution Goes Wrong*. In reviewing it, I freely admitted that our Constitution was undemocratic in the way he suggests, but went on to say that these features are what made the Constitution exceptional and good. True, they were "undemocratic," but that was because they were "republican." Thinking about Levinson's book provoked me to write this one and to entitle it *Our Republican Constitution*.

Were the founders really against democracy? You bet. They blamed the problems in the states under the Articles of Confederation on an excess of democracy. For example, Edmund Randolph, the first attorney general of the United States under George Washington, observed that "the general object was to provide a cure for the evils under which the U.S. laboured." And that "in tracing these evils to their origin every man had found it in the turbulence and follies of democracy." Others said the same thing.

Elbridge Gerry from Massachusetts stated: "The evils we experience flow from the excess of democracy." Roger Sherman of Connecticut contended that the people "immediately should have as little to do as may be about the Government." Gouverneur Morris, deputy from Pennsylvania, noted that "[e]very man of observation had seen in the democratic branches of the State Legislatures, precipitation — in Congress changeableness, in every department excesses against personal liberty private property & personal safety." Even those who remained more amenable to democracy, like George Mason of Virginia, "admitted that we had been too democratic" in forming state governments.

"Were the founders really against democracy? You bet. They blamed the problems in the states under the Articles of Confederation on an excess of democracy. … Even those who remained more amenable to democracy, like George Mason of Virginia, 'admitted that we had been too democratic' in forming state governments."

And yet, having deliberately devised what Professor Levinson calls "our undemocratic constitution," these framers all insisted that it was still a republican constitution. As historian Richard Beeman reminds us, the "vast majority of the Founding Fathers were republicans, not democrats." Nearly all "harbored keen misgivings about the desirability of democracy as a guiding principle for the new government." Yet, at the close of the Philadelphia convention, when Ben Franklin was asked what form of government the convention had devised, he famously replied, "A republic, if you can keep it." So, if the founders rejected an excess of democracy in favor of a new, undemocratic form of government they called "republican," then I believe it is fair for me to call our undemocratic Constitution "republican."

The fact our Republican Constitution has democratic elements does not make it what I am calling a Democratic Constitution. The bare fact that a particular form of government has elected legislators or an elected president does not by itself tell us whether it is a democracy or a republic. Representative government is consistent with both conceptions of popular sovereignty. Representative government can be favored as a practical way to "re-present" the will of the sovereign people, when direct democracy is infeasible. Alternatively, such a form of government can be viewed as a popular "check" on the servants of the people who are tasked with governing on their behalf.

Therefore, to decide whether a particular form of government is democratic or republican, we need to look to other features to see whether "first come rights and then comes government," or whether the rights of the people are considered to be the result of democratic deliberation. To the extent that the individual rights retained by the people are recognized and effectively protected from the will of majorities is that polity a true republic.

I do not claim that everyone who used the term "republican" at the founding or thereafter necessarily meant the Republican Constitution as I am defining it. The more democratic governments of the states under the Article of Confederation were called "republican" too. But when that system failed, the founders opted for a new approach. For this reason, the meaning of republican necessarily changed in 1787 when this new "undemocratic" form of government went public.

Ultimately what matters, however, is not the labels we use to describe these differing views of popular sovereignty, or what they were called in the past. Nor does it really matter which exact view was held by those who wrote the Constitution. What matters is the type of constitution they wrote and whether we today believe it to be a good enough constitution to follow.

In this book, I will examine the text of the Constitution to show that it was republican in nature, and I will then argue that our Republican Constitution is a good constitution, the meaning of which should remain the same until it is properly changed by amendment. But it is not enough to get that meaning right. Judges must then protect our Republican Constitution by enforcing the limitations on power that it imposes on the other branches and on state legislatures.



Randy E. Barnett is the author of 11 books, including *Restoring the Lost Constitution* and *The Structure of Liberty*. He is the Carmack Waterhouse Professor of Legal Theory at the Georgetown University Law Center, where he teaches constitutional law and contracts, and is director of the Georgetown Center for the Constitution. In 2012, he represented the National Federation of Independent Business in its constitutional challenge to Obamacare. A recipient of a Guggenheim Fellowship in Constitutional Studies and the Bradley Prize, he lives in Washington, D.C.



The Future of Foreign Intelligence

Privacy and Surveillance in a Digital Age

By Laura K. Donohue



Supporters of the government's bulk collection of citizens' Internet and telephony metadata often justify the programs on the grounds that metadata represents a limited intrusion on privacy. They suggest that metadata provides relatively innocuous information—such as who contacts whom, when, and for how long. Because the actual written material, or the communication itself is not included, the logic runs, the impact on individuals' privacy is minimal.

At best, this argument is misleading. It fails to convey what can be learned from metadata, the insight that it provides into our daily lives, and the level of intrusion that it represents. It provides the context for everything we do. Metadata can reveal the most intimate details of our lives. And it is far easier to sift through and to analyze than pure content.

As NSA's former general counsel, Stewart Baker, explained, "Metadata absolutely tells you everything about somebody's life." He continued, "If you have enough metadata you don't really need content . . . [It's] sort of embarrassing how predictable we are as human beings." General Michael Hayden, the former NSA and CIA director, put the point even more strongly: "We kill people based on metadata."

Why is metadata so important? It offers breadth, depth, and consistency, allowing for more accurate descriptive and predictive analyses of who we are, what we have done, and what we are likely to do. One telephone call to a credit card customer service line may suggest a problem in the recent billing cycle. Repeated calls may signal unresolved financial difficulties.

Even single calls may yield insight. A recent study conducted by computer scientists at Stanford University found that "phone metadata is unambiguously sensitive," even when collected on just over five hundred people for a few months. The scientists were able to infer a range of medical conditions and beliefs, based on telephone metadata.

Patterns in calls can reveal even more. One participant in the Stanford study spoke at length with cardiologists at a major medical center, talked for a short time with a medical laboratory, received calls from a pharmacy, and telephoned a home reporting hotline for a medical device used to monitor cardiac arrhythmia. Another individual called a firearms store specializing in AR-15 semiautomatic rifles before telephoning customer service for a manufacturer that produces an AR-15 line. One person telephoned a home improvement store, a locksmith, a hydroponics dealer, and a head shop. A fourth contributor telephoned her sister and spoke to her at length. Two days later, she called Planned Parenthood. Two weeks later she telephoned the clinic a few times and then one month later called it a final time.

The metadata provided insight into the participants' heart conditions, gun purchases, cannabis cultivation, and decision to have an abortion. And it was just a small sample, over a short period, of a limited number of calls. […]

Altering Behavior

Beyond the privacy intrusion involved, the capacity to engage in social network analytics creates power. If the Democratic Party leadership gained access to the telephone records of the Republican Party, it could identify the most powerful people in the network and find a way to alter their behavior, or to isolate the key actors. Political opposition could be disrupted in obvious ways — such as finding evidence of illegal activity or bringing criminal charges — or through more subtle ones, such as pressuring and shaping the surrounding network.

Over time, social scientists have realized that our relationships alter our perceptions and actions. The more we are in contact with others and the more intensive our interactions, the more susceptible we are to being influenced by them. Understanding where the high-intensity relationships are therefore gives others insight into where to exert pressure to manipulate others. Controlling such corridors enhances the potential for social or political control.

The possibility of using social networks to accomplish political aims is not far-fetched. The government has already initiated such programs to try to gain control over other countries. In 2010, for instance, the United States created a Cuban Twitter to overthrow the government. The program, called ZunZuneo (Cuban slang for the noise made by a hummingbird), began by tweeting innocuous content, such as soccer results, the latest music, and weather reports. Once the network reached a critical mass of subscribers, the objective was to begin inserting content to encourage "smart mobs," gatherings called at a moment's notice, to trigger a Cuban spring. The goal was to "renegotiate the balance of power between the state and society." […]

In short, the type of information obtained from metadata about social relationships creates a tremendous amount of power. At least two bulk metadata collection programs have been introduced in the post-9/11 world. Neither passes constitutional muster.

Adapted from *The Future of Foreign Intelligence: Privacy and Surveillance in a Digital Age* by Laura K. Donohue with permission from Oxford University Press © Oxford University Press 2016.

Origins of the Fourth Amendment

A general warrant is a document, issued by a court or by the executive branch, giving officials the broad authority to search for and to seize private documents, without any prior, specific evidence of wrongdoing. It does not specify, with particularity, the person or place to be searched, or the papers or records to be seized. It is not supported by oath or affirmation of any wrongdoing. It amounts to a fishing expedition, to find evidence of illegal activity. The Fourth Amendment prohibits the use of general warrants. The history on this point is incontrovertible.

The War of Independence was fought, in part, because of the Crown's effort to exercise writs of assistance—a form of general warrant wherein government officials failed to specify the person or place to be searched; or to provide evidence, under oath, to a magistrate, of a particular crime. James Otis's fiery oration in Boston against Britain's use of general warrants became a rallying cry for the colonists. "Then and there," John Adams wrote, "was the first scene of the first Act of Opposition to the arbitrary Claims of Great Britain. Then and there the child Independence was born."

In their rejection of general warrants, the Founders were heavily influenced by English history and political thought. For centuries, legal scholars had considered promiscuous search and seizure a violation of the common law. General warrants were regarded as the worst exercise of tyrannical power. […]

The Child Independence

One of the most important incidents in the road to Independence was James Otis's oration in what is known as Paxton's case. It stemmed from actions taken on the eve of the French and Indian War. Massachusetts Bay Governor William Shirley decided to take action to prevent French Canada from benefiting from illegal commerce. Shirley drew on his executive, gubernatorial powers to direct his customs officers, among them Charles Paxton and Thomas Lechmere, to use writs of assistance to search the colonists' ships, warehouses, and homes for contraband.

Otis's oration challenging the writs became one of the most famous in U.S. history. More than half a century later, John Adams recalled, "Otis was a flame of fire!" His argument "breathed into this nation the breath of life." Adams continued, "Every man of an immense crowded audience appeared to me to go away as I did, ready to take arms against writs of assistance."

The attack on general warrants lay at the heart of colonists' concept of liberty. It played a pivotal role in the founding of the country. As one 19th-century lexicographer explained, "The issuing of [a writ of assistance] was one of the causes of the American republic."

What was it that Otis argued? He denounced the very concept of a general warrant: "I will to my dying day oppose, with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villainy on the other." General warrants exemplified "the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of the constitution, that ever was found in an English law-book." Such power had "cost one King of England his head and another his throne."

Otis described the problem. Directed against all persons, "every one with this writ may be a tyrant"—and not just a tyrant, but one sanctioned by law. Being perpetual, no return was required. This meant that no one would ever be held accountable for its exercise. Anyone carrying the writ, moreover, could demand that others do his bidding, impacting their rights, and not just those of the individual being searched. "[O]ne of the most essential branches of English liberty," Otis observed, "is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle." A writ of assistance, "if it should be declared legal, would totally annihilate this privilege."

Otis warned about the potential misuse of writs for personal purposes. He cited a contemporary case in which a customs officer had employed a general warrant to exact revenge. "Every man," he argued, "prompted by revenge, ill humor or wantonness to inspect the inside of his neighbor's house, may get a writ of assistance; others will ask it from self defense; one arbitrary exertion will provoke another, until society will be involved in tumults and in blood."

Rejection of General Warrants in State Constitutions

The founding generation went beyond merely objecting to general warrants. It established a positive right to be secure in one's home, "papers, and effects, against unreasonable searches and seizures."

In the 18th century, "unreasonable" meant "contrary to reason," or, in the context of legal prose, contrary to the *Reason of the Common Law.* General warrants, being contrary to common law, were thus illegal. The new American states therefore outlawed the use of general warrants as a concomitant of establishing the right to be secure in one's home, papers, and effects.

The Founders insisted on specific warrants as the only legitimate instrument that could be used to intrude on the sanctity of one's home and papers, outside of narrow exceptions. The states adopted a series of further requirements

that applied, without which even specific warrants would be considered invalid. These changes became anchored into American law in the nascent declarations of rights and state constitutions—well before the Fourth Amendment cemented them into the Constitution. […]

General Warrants Today

To be sure, there are some differences between the general warrants about which the Framers were concerned and those that mark the realm of foreign intelligence today. The founding generation did not live in a digital era. It was the invasion of the home that they sought to protect.

In contrast, the collection of digital information may not involve a physical trespass. Thus, it could be argued, it is not the sanctity of the home that is violated in digital monitoring, collection, and analysis, as no physical entry occurs.

In the 18th century, the identity of those being searched was known. When the Crown entered a subject's home, it was clear who was under scrutiny. This was at the heart of concerns about public embarrassment.

In the contemporary context, in contrast, the collection programs are secret and indiscriminate. All people are subject to collection. Embarrassment is thus not (overtly) part of the equation.

Notwithstanding these distinctions, several of the recent Foreign Intelligence Surveillance Court (FISC) orders are strikingly similar to the general warrants that caused the Founders concern.

The NSA's Internet and telephony metadata programs relied on documents that lacked specificity. The orders did not specify or allege any crime prior to seizure. Nor was there oath or affirmation to support the same. They did not name any individual. They did not specify the place to be searched. They were used to find evidence of wrongdoing—without any probable cause that a crime has been, was being, or was about to be committed. They carried a judicial imprimatur. And they involved compulsory process. Companies served with the orders were forced to obey or face being held in contempt, just as individuals served with a writ of assistance at the time of the founding were forced to help the Crown to carry out the order.

The privacy interests implicated by these orders are consistent with those protected by the prohibition of general warrants. In the 18th century, the walls of one's home served as a proxy, within which citizens held dominion over their own affairs. Today, even if no physical entry may be entailed, the same type of information is being collected with deep implications for individuals' private lives. One's thoughts, beliefs, correspondence, and relationships are all on the line.

Since 1967, moreover, the courts have not premised Fourth Amendment protections solely on invasions of physical property. In response to new technologies, in *Katz v. United States*, the Supreme Court focused on the underlying privacy interests. In a digital world, individuals take steps to secure their privacy, using passwords, signing contracts with companies that have privacy policies, and even using encryption to send their communications. The orders issued by FISC fail to acknowledge the equivalent of such shut doors, collecting data en masse.

The Founders worried about the collection of private information. It was at the point of seizure that the prohibition on promiscuous search and seizure kicked in. For the government to now assume that it can collect all this data, with no prior specificity, on the grounds that it only will examine a small portion of the records rather begs the point. As in the 18th century, the potential for abuse of the aggrandizement of all this information in one place is substantial.

It could be argued that fidelity to the original meaning of the Constitution, or the language introduced by the Founders, is of little consequence. The essence of the text, one could reason, does and ought to change over time.

But in the context of the rapid expansion in surveillance authorities, there are two problems with this assertion. First, it fails to appreciate the strength of the arguments that persuaded the Founders to reject promiscuous search and seizure. Second, living constitutionalism does allow for the application of new rules of construction. Yet however incremental such changes might be, surely they cannot mean that the protections created at the founding cease to exist—or, even more preposterously—that the language of the Fourth Amendment means the opposite of what it meant when it was enacted. […]

What Is an "Unreasonable" Search?

One possible response to the argument that bulk collection violates the Constitution, or that it belies basic principles and values, is that the information being collected is not protected by the Fourth Amendment. This approach emanates from a line of cases referred to as "third-party doctrine." The basic idea, which the Supreme Court articulated in the 1970s, is that third-party information—like telephony metadata held by Verizon—is not private. By placing a call, customers voluntarily give information to the telephone company, such as whom one is telephoning; how long one talks; and what numbers, in return, are calling the customer. The data allows businesses to provide services and to bill their customers accordingly.

This approach, applied in the contemporary context, extends the province of third-party information to all customer

records. Without trunk identifier information, a company cannot guarantee that mobile telephones receive or send calls. If companies fail to provide Internet access, consumers cannot use SnapChat, Vine, or Instagram. The amount of information conveyed from the customer's use of an iPhone or Android device to the telephone company is not the issue. It is the quality of the information that matters. So if certain information is not protected, then more of the same information similarly would not be protected. Zero plus zero equals, well, zero. Ergo, collection of this information is not a search within the meaning of the Fourth Amendment.

Those who make this argument point to *Smith v. Maryland* and *United States v. Miller*, two cases that shaped the evolution of third-party doctrine. They stand for the proposition that "[T]he Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed."

As existing doctrine goes, this is a solid legal argument. The Supreme Court has not directly overturned these cases, one of which explicitly turned on whether individuals have a privacy interest in the numbers dialed from their telephone.

The problem is that these cases are four decades old. They no longer reflect how the world works or the privacy interests of the digital age. The type of information that companies now have about customers departs from that available in the mid-1970s. It is not just more of the same information that is being collected—but new information—with unique implications for privacy. *Smith* did not consider whether police officers could compel a company to turn over all of its customers' metadata to build a detailed picture of formal and informal social networks, which could then be analyzed to look for illegal activity. The information being sought is not different in degree. It is different in kind. So it is not zero plus zero. It is zero plus one yottabyte—which is a lot of information and a much deeper incursion into privacy than just the dialing information from a landline in 1976. […]

Judicial Tension: Trespass and Katz's Reasonable Expectation of Privacy

In *Katz v. United States*, the 1967 case in which law enforcement placed an electronic bug on the outside of a phone booth, the Supreme Court replaced physical trespass doctrine with one based on a reasonable expectation of privacy. The fact that the device used to record the gambler's conversation "did not happen to penetrate the wall of the phone booth," the Court wrote, "can have no constitutional significance." The Fourth Amendment protects electronic violations, as much as physical intrusions, into protected spaces.

Katz was an effort by the Court to come to terms with new technologies.

We again find ourselves at a *Katz*-type moment. Electronic recordkeeping has become integral to the conduct of life in the 21st century. Digital communications are on a par with the role of the telephone that the Court considered in *Katz*. At that time, the Court explained, "One who occupies [a phone booth], shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication."

Whatever role telephones played when *Katz* was decided, their integration into society has deepened in the intervening years. Digital communications are central to our lives. That we contract with companies to ensure careful treatment of our private information and that we use passwords to access our telephone, banking, and financial records online is the equivalent of shutting the door of the phone booth.

The Proverbial Needle in the Haystack

Proponents of the metadata programs argue that to find threats, intelligence agencies must obtain, and then mine, all available data. The analogy that has been suggested is that the government must first build a haystack in order to find the proverbial needle. Why? Some information can only be gleaned from, or understood in, a broader context. We may not know at the front end who is a member of a terrorist cell or who may be attempting to obtain weapons of mass destruction from traffickers, but once a graph of social networks has been constructed, clusters and connections can be identified that yield insight into these networks. Any person, moreover, could prove a threat to the United States—even where they may be only tangentially related to established networks. Therefore, everyone's data must be obtained.

For constitutional purposes, the argument continues, it is not a search within the meaning of the Fourth Amendment to use technology to construct the haystack. This occurs only when a person starts sifting through the hay to find the needle. Alternatively, even if it is a search at the moment of collection, ensuring that probable cause (or something approximating it) accompanies the subsequent query of the data renders the initial collection reasonable. These arguments depend upon a distinction between collection of information and access to the data—as well as a relationship between the two. They do not withstand scrutiny.

The collection of information is a search. Consistent with *Katz*'s reasonable expectation of privacy test, it is the recording of the information that violates the private sphere. If the

government were to mount a camera in your bedroom and to record everything that you do there—promising not to look at it unless it had a really good reason to do so—it would still be an invasion of your privacy. The violation is determined from the point of view of the individual subject to the incursion, not from the perspective of the entity doing the recording. It is at the moment that the information is obtained that the search occurs. When Lord Coke's trunks were brought to Charles I, and Entick, Leach, and Wilkes had their items seized and taken away for later inspection, the issue was not whether someone read the items at the moment they were seized. It was that the Crown gained access to them at all.

The privacy interests physically protected by sheet rock and stucco reflect the interests at stake in a digital realm. The only difference is that they now exist in a parallel universe in which we live our digital lives. The importance of solitude; the necessity of creating space for the evolution of ideas and self; the role of privacy in democratic deliberation and self-determination; the need to be able to create diversity in one's intimate relationships; and the impact of privacy incursions on other liberty rights, such as free association and free speech, are all at stake at the moment the information is collected.

The reason why turns upon a simple truth: individuals change their behavior when what they do and say is monitored by the government. One is inherently not free when what one does, who one loves, with whom one shares one's passions, and what those passions are, are recorded by the government. What I disclose, on a limited basis, to Safeway, Amazon, or the local coffee house, for the provision of commercial services, is different from the government collecting all of this information, combining it with other data, and potentially using it to try to anticipate my behavior or to look for illegal activities. The same is true of Google collecting data rather than the government. Google does not own guns. It cannot put me in prison. And it cannot impose the death penalty. The government can.

The level of coercion thus felt by the target of government surveillance, even if the information is never accessed or analyzed, is likely to be higher than that felt by a consumer contracting with a corporation for a limited purpose. Individuals, correspondingly, have a higher likelihood of altering their behavior when their private lives are exposed to government officials, thus impacting their rights. It is for this reason that the Fourth Amendment specifies that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated." […]

But wait, critics say. Imagine that the government has a time machine that enables it to go back in time to listen to past phone calls with probable cause and a warrant. What if, by doing so, terrible crimes could be prevented? Would that change the calculation? Under a balancing test, the interests at stake would be heightened. Would collection then be deemed reasonable?

There is little question that total information awareness could greatly reduce violence and threats to the government. Dictatorships and totalitarian regimes for centuries have operated on this premise.

But if that is the kind of government we would like to have as a society, then that is a very different political order than the one envisioned by our Founders—and one directly at odds with the basic precepts and understandings of our Constitution. The question at that point is not whether it is a violation of the Fourth Amendment. It is whether we ought to have a Fourth Amendment at all.



Laura K. Donohue is a professor of law at Georgetown Law. She is the director of Georgetown Law's Center on National Security and the Law, as well as its Center on Privacy & Technology. Professor Donohue writes on U.S. constitutional law, American and British legal history, and emerging technologies. Her prior book, *The Cost of Counterterrorism: Power, Politics, and Liberty* (Cambridge University Press, 2008), looked at the impact of counterterrorist law on life, liberty, property, privacy and free speech in the U.S. and U.K. *Counterterrorist Law and Emergency Law in the United Kingdom 1922-2000* (Irish Academic Press, 2007) concentrated on measures introduced to address violence in Northern Ireland. Her articles have appeared in the *California Law Review, Harvard Journal of Law and Public Policy, Stanford Law Review, University of Chicago Law Review, University of Pennsylvania Law Review* and elsewhere. In November 2015, after Professor Donohue completed the manuscript for *The Future of Foreign Intelligence*, the U.S. Foreign Intelligence Surveillance Court appointed her as one of five amici curiae to the court under the USA Freedom Act. She did not receive the security clearance necessary for access to classified information until after completing the book. Accordingly, the book did not undergo a prepublication review for classified content.

ALUMNI

1959

Harvey B. Cohen (LL.M.'61) has joined the Alexandria, Va., law firm of DiMuro Ginsberg as senior counsel. He previously served as assistant U.S. attorney for the Eastern District of Virginia. He is a past president of the Virginia Trial Lawyers Association and a current member of its board of directors. Cohen has been selected for the *Best Lawyers in America* list and was named one of Virginia's "Pre-eminent Lawyers." He focuses his 50-year law practice on commercial, business and general civil litigation.

1963



Robert L. Parks, principal and founding partner of the Law Offices of Robert L. Parks, was honored by the 11th Judicial Circuit Historical Society and Legal Services of Greater Miami at the "50 Years, 50 Voices" exhibit opening on October 1 at HistoryMiami. Parks was among a group of 50 community leaders who were honored for shaping the history of Miami through their legal service over the past 50 years. Parks focuses his law practice on personal injury, wrongful death, aviation, offshore resort torts, recreational liability, maritime and cruise ship liability, negligent security, premise liability and products liability. He has provided hundreds of hours of pro bono services annually throughout his distinguished 50-year career.

1966



John A. Gaberino Jr. (C'63), who practices in GableGotwals' Tulsa office, was named to the 2016 *Best Lawyers in America* list for his work in the category of energy law.



Stephen L. Kadish (LL.M.) has been named to the 2016 Edition of *Best Lawyers in America* in the fields of tax litigation and controversy and tax law. Kadish has been named in the *Best Lawyers of America* for 33 consecutive years. He is the senior partner at Kadish, Hinkel & Weibel in downtown Cleveland.

1968

Frank Fleischer (LL.M.) was named to the 2016 *Best Lawyers in America* list in the public finance law practice area. He has been named to *Best Lawyers* since 2003. Fleischer is a shareholder who serves as chair of the GrayRobinson public finance practice group.

1970



Alan H. Goodman, a partner at Breazale, Sachse and Wilson, was recognized in the 2016 edition of *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of bankruptcy/restructuring.

1972

Allen M. Sokal has joined Baker-Hostetler's intellectual property group and patent litigation team in the firm's Washington, D.C., office. He was previously with Finnegan, Henderson, Farabow, Garrett & Dunner.

1973

Susan M. Liss is the new director of Justice at Stake (JAS), a nonpartisan, nonprofit campaign working to keep America's courts fair and impartial. She was previously executive director of the Campaign for Tobacco-Free Kids, overseeing all operations of a $34 million dollar organization with global reach. She has held numerous positions in government service, and has also previously led the Democracy Program at the Brennan Center for Justice, a JAS partner organization that also works on fair-courts issues.

1974



P. Bruce Wright (LL.M.), a partner at Sutherland Asbill & Brennan, has been ranked number two on the 2015 "Power 50" list by *Captive Review*, a trade publication focused on risk management and captive insurance. The honor comes just months after Wright was recognized with the 2015 Industry Service Award by the Vermont Captive Insurance Association. Representing domestic and foreign-based clients, Wright counsels property and casualty insurance companies on a wide range of tax and insurance law issues, including formation of commercial offshore privately and publicly held entities.

1975



Paul W. Shaw, an attorney at Verrill Dana, was recognized by *Best Lawyers in America* in the area of health care law. He practices in the firm's Boston, Mass., office.

1976

Mark F. McCarthy (C'73) was named an *Ohio Super Lawyer* for 2016. A partner at Tucker Ellis, McCarthy is a trial lawyer with more than three decades of experience.

He works primarily in the areas of products liability, commercial, medical malpractice and intentional tort defense litigation.

1978



Bruce L. Ishimatsu opened Ishimatsu Law Group in Marina del Rey, Calif., practicing commercial litigation and intellectual property law for entrepreneurs and corporations.

1981



Cynthia Sharp, founder and chief executive officer of the Sharper Lawyer, was a featured expert at the Maryland State Bar Association's 15th Solo and Small Firm Conference held on November 6. She spoke on the topics "No Cost/Low Cost Strategies for Getting and Keeping Clients" and "Fear and Loathing with Delegation Dynamics." A business development expert and veteran attorney, Sharp works with motivated lawyers seeking to generate additional revenue for their law firms. The business development strategies and skill sets that she shares were developed and tested over a period of 30 years in practice and are constantly refined to reflect modern marketing techniques.

1982



Richard Blau, an attorney at GrayRobinson in Tampa, was named to the 2016 *Best Lawyers in America* list in the food and beverage law practice area. He has been named to *Best Lawyers* since 2011.



Sharie Brown, a white-collar, compliance and investigations litigation partner in the Washington, D.C., office of Troutman Sanders, spoke at the American Conference Institute's FCPA Boot Camp Seminar: Africa Anti-Corruption Regulatory and Enforcement Update in January at the Four Seasons Hotel in Houston, Texas. Brown, who also serves as chair of the International Trade Committee of the District of Columbia's Bar Association, discussed critical and evolving compliance issues and anti-corruption procedures affecting corporate governance, philanthropy programs and local community projects.

1983

Ilise Feitshans received the "Road Less Traveled Award" at Ms. JD's eighth-annual Conference on Women in the Law, titled "Superwomen JDs." The Ms. JD honors awards reception was held February 18 in New York City.

1984



Keith C. Jones, an attorney at Verrill Dana, was named a 2016 Portland, Maine, Lawyer of the Year for securities/capital markets law.

1986



Peter Bicks was inducted into the American College of Trial Lawyers at its 2015 fall annual meeting in Chicago. A partner at Orrick, he serves on the management committee and was previously the firm's New York office leader.

1987

Richard P. Jacobson has launched the Jacobson Law Group, an intellectual property law firm with a practice devoted to trademark, copyright, Internet and advertising law. The practice is located in New York City.

1988



Dwight P. Bostwick, a partner in the D.C. office of Zuckerman Spaeder, has been named chairman of the firm's executive committee and partnership board. Bostwick, a nationally recognized commercial and white-collar litigator, officially assumed the role on January 1.

1989

Robert Geis has joined Miles & Stockbridge as counsel in the firm's Towson, Md., office. Geis provides tax and business advice to closely held businesses and their owners. He also focuses on real estate tax and transactional matters.

Sean P. Murphy (**F'85, S'12**) has joined the real estate practice group at Duane Morris as a partner in the firm's Washington, D.C., office. Previously, Murphy was executive vice president, general counsel and chief compliance officer at Wakefield Capital Management. Additionally, he was of counsel at Patton Boggs in Washington, D.C., for 14 years, where he worked in the corporate and real estate practice groups.



Karl Prior leads the Bucks County (Pa.) office of Mannion Prior at the newly renovated Nathan James Building, 108 North Main Street, Suite 103 in Doylestown. He and his wife, Theresa, who teaches at the Bucks County Community College, have lived and raised their family in Newtown for more than 22 years. Prior serves as the head coach of the St. Andrew CYO Track and Cross Country teams. He is a member of the Bucks County Bar Association's orphans' court section and has taught numerous seminars in and for the Bucks Bar Association, including several presentations with members of the Bucks County orphans' court bench.

1978 **James F. Martin**



James F. Martin (C'75) was selected to the 2015 *Massachusetts Super Lawyers* list in the field of closely held business law. This is the 10th consecutive year that he has been selected. Martin practices corporate and business counseling, litigation and commercial real estate law at Robinson Donovan.

ALUMNI AWARDS, RECOGNITIONS AND APPOINTMENTS












Top Row: Heather French (L'96), Richard Winfield (L'61) with former President Bill Clinton (F'68), Kineta Rotan (L'01) and Susan Keller Pascocello (L'90). Second Row: Nigel A. Greene (L'94), Allison Garrett (LL.M.'92), M. Margaret McKeown (L'75, H'05) and Michael Small (L'86).

On December 5, **Diane M. Brenneman (L'79)** was named Judge of the Year by the Bar Association of the District of Columbia. She serves on the Superior Court of the District of Columbia.

Susan Bryant (L'73, LL.M.'79), a professor at CUNY School of Law, received one of two Great Teacher awards from the Society of American Law Teachers for furthering its mission of justice, diversity and teaching excellence. The award recognizes Bryant and Yale's Jean Koh Peters for their collaborative teaching and scholarship on clinical pedagogy.

Heather French (L'96) received the 2015 Outstanding In-House Counsel award from the Association of Corporate Counsel National Capital Region. In 2014, she was included in the "R3-100," a list compiled for *InsideCounsel* of 100 women poised to assume the position of general counsel of a Fortune 500 company in the next three years. The ACC award received coverage by the *Washington Business Journal*. French is also featured in the March 2016 issue of *Modern Counsel* magazine. She is senior vice president and deputy general counsel of American Capital.

Allison Garrett (LL.M.'92) was elected president of Emporia State University in October. Garrett previously served as the executive vice president at Abilene Christian University as well as senior vice president for academic affairs, associate professor of law, vice president of benefits and compliance, and general counsel, among other positions. A native of Neosho, Mo., she received her J.D. from the University of Tulsa's College of Law and a B.A. in English from Oklahoma Christian College.

Katherine T. Gates (L'01) was named senior vice president, general counsel and chief compliance officer of SunCoke Energy and SunCoke Energy Partners.

Nigel A. Greene (L'94), a partner at Rawle & Henderson, served as a judge at the University of Pennsylvania Law School's 13th Annual Mock Trial Tournament, the Quaker Classic Invitational, last November. Greene once served as an assistant district attorney in Philadelphia in the major trials unit. Now he focuses his practice on the defense of commercial motor vehicle companies and their insurers, complex commercial litigation, and casualty and premises liability matters. In addition, he serves as an arbitrator in Philadelphia County.

Professor **Kris Henning (LL.M.'97)** was elected to the American Law Institute in October, one of 73 new members that included Professor Abbe Smith and Solicitor General Donald B. Verrilli Jr.

Mitchell Imanaka (L'79) was elected to the American Law Institute in October. Imanaka is the managing partner of Imanaka Asato in Hawaii, where he is recognized as a leading authority in the area of real estatate law.

President Barack Obama appointed **Joshua Javits (L'78)** chair of a presidential emergency board to help resolve an ongoing dispute between the New Jersey Transit Rail and some of its employees. Javits is the founder of Dispute Resolution Services and has been a mediator and arbitrator since 2001. He served on presidential emergency boards in 2007, 2011 and 2014.

United States Circuit **Judge M. Margaret McKeown (L'75, H'05)** recently received the California State Bar Association's Vanguard Award for spearheading new developments in intellectual property. She serves on the U.S. Court of Appeals for the 9th Circuit.

George L. Miller (L'85) was appointed senior vice president, general counsel and corporate secretary of West Pharmaceutical Services. Miller serves on the senior leadership team and oversees the company's global legal function and corporate governance. Miller joins West from Sigma-Aldrich, where he served as senior vice president, general counsel and secretary; he previously worked at Novartis. Miller brings more than 30 years of corporate legal experience with large, multinational, publicly traded companies in the pharmaceutical, life sciences and transportation industries.

Joel M. Nagel (LL.M.'90) has been appointed Belize's ambassador to the Republic of Austria as well as its permanent representative to U.N. offices in Vienna. Nagel was received by Austrian President Heinz Fischer during a ceremony at the Hofburg Palace in Vienna, where he promised to work to strengthen and improve relations between the two countries. Nagel will focus on Belize's bilateral relations with Austria and will promote Belize's interests at the United Nations Industrial Development Organization.






Left: Marna Tucker(L'65); Middle: George Miller (L'79) and Mary F. Platt (L'79). Right: Ambassador Joel M. Nagel (LL.M.'90) with Austrian President Heinz Fischer.

Eileen M. O'Connor (B'81, L'05) has been appointed vice president for communications at Yale University, leading Yale's Office of Public Affairs and Communications and serving as the university's chief communications officer. She most recently served as deputy assistant secretary of state for South and Central Asia and senior adviser to the special representative for Afghanistan and Pakistan, based in Afghanistan and Washington, D.C. O'Connor came to the State Department in 2011 from McDermott Will & Emory, where she led the crsis management practice.

Susan Keller Pascocello (L'90), deputy general counsel at the U.S. Agency for International Development, received a 2015 Presidential Rank Award of Distinguished Executive. As an innovation leader with nearly a decade of executive experience at USAID, Pascocello was also selected by President Barack Obama to serve on the White House Advisory Group on SES Reform.

Mary F. Platt (L'79) won a contested election for vice chancellor of the Philadelphia Bar Association. She will serve as vice chancellor in 2016 and chancellor-elect in 2017, leading the Bar Association as chancellor in 2018. Platt previously held several leadership positions at the Bar Association, including treasurer, assistant treasurer, member of the board of governors, chair of the Law Practice Management Division, and chair of the federal courts, city policy and women in profession committees. She currently is a Zone 1 delegate to the House of Delegates of the Pennsylvania Bar Association. Platt is counsel at Fineman Krekstein & Harris in Philadelphia, where she focuses her practice on litigation and mediation. She comes from a family of Hoyas — John Platt (C'69), Charles Platt (L'75), Stephen Platt (C'76) and Carole Brooks Platt (M.S. '76).

Farin Mirvahabi Powell (MCL'72) was one of four recipients of the 2015 Women of Impact award given by *Focus on Women Magazine* on October 15, 2015. The award was in honor of her 25 years of pro bono work and other legal achievements. "I represented many women who could not afford hiring a lawyer and got their divorces from their abusive husbands, helped them in getting custody of their children or getting permanent residency in the United States," she writes.

Kineta Rotan (L'01) was appointed an administrative appeals judge for the Social Security Administration.

In September, President Barack Obama appointed **Kevin Ryan (L'92)** to the president's third Advisory Council on Faith-Based and Neighborhood Partnerships. Ryan is president and CEO of Covenant House International. From 2008 to 2009, he served as the chief operating officer of the United Nations Special Envoy for Malaria. From 2006 to 2008, Ryan served in the cabinet of then Gov. Jon Corzine as the first commissioner of the New Jersey Department of Children and Families. He served as the commissioner of the New Jersey Department of Human Services in 2006. From 2003 to 2006, Ryan served as the first state child advocate in New Jersey, founding a watchdog agency responsible for monitoring systems that serve children at risk of abuse and neglect.

In spring 2015, California Gov. Jerry Brown appointed **Michael C. Small (L'86)**, formerly a member of the Supreme Court and appellate practice group in the Los Angeles office of Akin Gump Strauss Hauer & Feld and a professor at UCLA Law School, to a seat on the Los Angeles County Superior Court.

Marna Tucker (L'65), a senior partner and co-founder of Feldesman Tucker Liefer Fidell, received the *American Lawyer*'s 2015 Lifetime Achievement award in August — an award shared with eight other honorees including former Law Center Dean Robert Pitofsky. The Lifetime Achievement awards are given to lawyers "whose long careers have distinguished the legal profession and who have embraced public service." Tucker received the award for her work in family law and her lifelong contributions to the legal profession and public service. She is a national expert on complex divorces, domestic violence and prenuptial matters.

Richard Winfield (L'61) received the Global Pro Bono Visionary Award at a luncheon marking the 15th anniversary of the International Senior Lawyers Project, held at the Plaza Hotel in New York City in December. Former President Bill Clinton (F'68) delivered the keynote address. The award celebrated Winfield's 15 years of pro bono work with ISLP helping to protect press freedoms in more than 20 countries. Winfield is a co-founder of ISLP, a nonprofit with more than 2000 volunteer lawyers, and continues to lead its media law programs abroad.

Newsmakers








Michael Vigil (L'76), H. James Williams (L'88, LL.M.'90), admitted LL.M. students Andreas De Real and Rodrigo Mella with Vicki Arroyo (L'94). Swathi Bojedla (L'11), Jacqueline Shea Brown (L'92); and Heather French (L'96) and Marcia Wiss (F'69, L'72) with Susan Smith Blakely (L'79).

"How Cvent's CEO Turned a Dying Startup Into a Software Heavyweight," coverage in DC Inno on February 3, featured **Reggie Aggarwal (L'00)**.

Professor Jane H. Aiken (LL.M.'85) and Dean William M. Treanor wrote an opinion piece that was published in the *Washington Post* on November 27 titled "Too Many Lawyers? Not in D.C." The article highlighted the D.C. Affordable Law Firm, which is profiled in the Fall 2015 issue of *Georgetown Law* magazine.

Vicki Arroyo (L'94) was quoted in articles in October inluding a *New York Time*s piece titled "Numerous States Prepare Lawsuits Against Obama's Climate Policy." She also wrote an op-ed titled "Think Beyond Homes and Roads to Better Prepare for Climate Change."

"Belgian beer bar opening in Georgetown, vegan coming to Chinatown," coverage in the *Washington Business Journal* in February, featured **Michael Babin (L'99)**.

"MBLA 2016: Swathi Bojedla, Hausfeld LLP," a video profile of **Swathi Bojedla (L'11)**, a Minority Business Leader award 2016 honoree, appeared in the *Washington Business Journal* in February.

Susan Smith Blakely (L'79), Heather French (L'96) and **Marcia Wiss (F'69, L'72)** were photographed by *Legal Bisnow* at a celebration of Blakely's book, *Best Friends at the Bar: Top-Down Leadership for Women Lawyers*, at the National Museum of Women in the Arts in October.

Jacqueline Shea Brown (L'92) appeared in articles in the *Tri-City Herald* (Kennewick, Wash.) titled "Richland lawyer appointed new judge; hopes to start mid-October" and "Newest Tri-City judge sworn in on Benton-Franklin Superior Court."

Students **Jillian E. Casey (L'17)** and **Julia L. Ward (L'17)** were featured in a *New York Times* article in December, "Presidential Medal of Freedom Says Something About Presenter, Too." According to the article, the students worked on a study published in the *New England Journal of Political Science* regarding the history of the first half-century of the medal, from 1963 to 2013.

Monique Fortenberry (L'95), deputy executive director of the Federal Trade Commission, was profiled by *The Daily Record* (Md.) on November 27, 2015. The article, "Inspiring the next generation," reports on Fortenberry's talk at Morgan State University. She spoke as part of the university's Gender and Leadership series.

The *Stanford Daily* reported that on February 24, **Bruce Friedrich (L'15)**, executive director of the Good Food Institute and founding partner of New Crop Capital, and John Mackey, CEO of Whole Foods Market, debated two Stanford students on whether it is ethical to eat meat. The *Daily* ran a question-and-answer article with Friedrich and Mackey in its February 23rd issue.

"The Wachtell Way of E-Discovery," coverage in *The American Lawyer* in February, featured **Maura R. Grossman (L'99)**.

Kira Koch Kimhi (L'99) was named one of the 2015 Women Leaders in Tech Law by *The Recorder*, California's news and analysis publication examining legal, business and technology trends shaping law practice today. She is a partner at Wilson, Sonsini, Goodrich and Rosati, specializing in complex technology transactions.

William King (L'15) published two opinion pieces in 2015: "Interning on Capitol Hill: Great Opportunity for America's Wealthiest Undergrads" in *The Hill* and "D.C. Brain Drain" in the *Baltimore Sun*.

"EPA to Model Training Program in ESPS FIP on State Compliance Plans," coverage in InsideEPA in September, quoted **Lissa Lynch (L'13)**, then an associate at the Georgetown Climate Center.

Ganesan Nethi (LL.M.'15) recently filed a large civil aviation suit in Malaysia on behalf of the families of 76 passengers on missing Malaysia Airlines Flight 370. The suit is "the largest of its kind here, and the second largest in the world," he writes. The filing was reported on March 7 in the *New York Times*, the *Washington Post*, the BBC and numerous other outlets.

"White House Lawyer Picked for Defense Dept. General Counsel," coverage in the *National Law Journal*, featured **Jennifer O'Connor (L'93).**

Gabe Pacyniak (L'10), program manager at the Georgetown Climate Center, appeared on KCRW's "To the Point" in October in a talk called "Climate Change, Renewable Energy and the Environment."

An article in the *National Law Journal* on December 28, 2015, featured **Adam Rosser (L'98)**. "Hunton & Williams Lawyer Turns Vacation Into Humanitarian Mission" describes how a trip to the Greek island of Lesvos inspired Rosser, an immigration lawyer, to help found an organization called Sea of Solidarity, which provides food, shoes, sleeping bags and other support to refugees. Since returning from Greece, Rosser has organized Hunton colleagues to represent refugees abroad through the International Refugee Assistance Project.

"Leadership Tri-County — Siler honored as Leader of the Year," coverage in *The Sentinel Echo* (Ky.) in February, featured **Eugene Siler Jr. (L'64)**.

Zuraya Tapia-Hadley (LL.M.'06) was named one of the "40 under 40" Latinos in foreign policy by the *World Post* in October. She is vice president of public affairs for UPS.

Scott Varady (F'88, L'93) was featured in an article in *The City Wire* (Ark.) in October titled "Varady named executive director and general counsel for the Razorback Foundation."

Articles by Adjunct Professor **Mark Vlasic (B'96, L'00)** appeared in the *World Economic Forum* last fall. His article "Timbuktu, ISIS and the Long Arm of Justice" appeared in *The World Post/Huffington Post* in



Adam Rosser (L'98)

October, and a book to which he contributed, *Prosecuting Maritime Piracy: Domestic Solutions to International Crimes* (Cambridge University Press), was published in June.

"Commission meets to choose New Mexico Supreme Court nominees," coverage in the Associated Press in October, featured **Michael Vigil (L'76)**. He is a judge on the New Mexico Court of Appeals.

"Mount St. Joseph University names new president," coverage in *Cincinnati Business Courier* in February, featured **H. James Williams (L'88, LL.M.'90)**.

ACROSS CLASSES

In October, Bisnow recognized "12 of D.C.'s Top Women Lawyers" when the Women's Bar Association of D.C. held a reception at the U.S. District Courthouse for the local winners of the Margaret Brent Women Lawyers of Achievement Award. Honorees included Georgetown Law Professor Emma Coleman Jordan, who received the award in 2015, and past winners **Marna Tucker (L'65)** and **Vanessa Ruiz (L'75).**

Jeffrey Clark (L'95), a partner at Kirkland & Ellis, testified at a House Judiciary Subcommittee on regulatory reform, commercial and antitrust law in November along with Professor William Buzbee. The hearing received coverage in a November 4th article in *E&E Daily*, "Judiciary subcommittee members disagree on merits of reform."

1990

Darrell D. Miller has been named the 2016 Entertainment Lawyer of the Year by the Beverly Hills Bar Association. He is chair of the entertainment law department and managing partner of Fox Rothschild's Los Angeles offices.

1991



Jimmy Adams, an attorney at Brooks Pierce, was recognized as an industry leader in the 2016 edition of *North Carolina Super Lawyers*. Adams was recognized as a "Super Lawyer" for business litigation.



Leasa M. Stewart, an attorney in GableGotwals' Oklahoma City office, was named to the 2016 edition of *Best Lawyers in America* for her work in the category of litigation-ERISA.

1992

John A. Christiansen (LL.M.) has been named "Best of the Bar" by the *Kansas City Business Journal* for the past three years. He practices in his Kansas City firm, the Law Office of John Adams Christiansen.

1994



Edward Fanning received a 2015 Professional Lawyer of the Year award from the New Jersey Defense Association. Fanning is chair of the products liability group at McCarter & English, practicing in the firm's Newark office.



Christopher Hewitt (MBA'94) was named an Ohio Super Lawyer for 2016. He is a partner at Tucker Ellis, advising boards of directors and management on corporate and securities law matters.



Pamela Cothran Marsh (F'91), the former U.S. attorney for the Northern District of Florida, has joined Berger Singerman as partner, where she plans to help with investigations, corporate compliance and criminal defense, as well as advise the firm's robust restructuring practice. Marsh joins the dispute resolution and government and regulatory teams and will split her time between her home base in Tallahassee and the Miami office.



James J. O'Connor (C'89) was named partner at William Blair, a global investment banking and asset management firm. He works in investment banking in the firm's Chicago office.

Michael R. Thornton was named to the 2016 edition of the *Best Lawyers in America* in the area of real estate law. He is an attorney at Smith Anderson in North Carolina.

1995



Mehmet K. Konar-Steenberg is a professor of law at Mitchell Hamline School of Law in Saint Paul, Minn., teaching constitutional, administrative, environmental and comparative law subjects. He served as associate dean from 2013 to 2015 and currently holds the Briggs & Morgan/Xcel Energy Chair in Energy and Environmental Law. Konar-Steenberg is also a board member of the Minnesota Center for Environmental Advocacy.

1997



Douglas K. Chia is the executive director of the Conference Board Governance Center. He will lead the center in its work in the public interest to provide organizations with knowledge and thought leadership on key issues of corporate governance. The Governance Center of the Conference Board serves as a resource for objective, nonpartisan, corporate governance thought leadership and research.



Melissa Miller Proctor (LL.M.), a shareholder at Polsinelli in the firm's Phoenix office, has been selected to serve on the working board of the Metropolitan Phoenix Export Alliance. Proctor has spent her career handling international trade and import and export legal matters for companies throughout the United States and abroad.



Mack H. Shultz Jr. was elected partner at Perkins Coie; he is a member of the firm's product liability practice in the Seattle office. Shultz represents companies in a variety of fields, including aviation, automotive, consumer electronics and medical devices. His practice focuses on complex product liability litigation. He regularly presents product liability workshops to clients and recently co-authored the third edition of *A Manufacturer's Guide to Product Liability Law in the United States*.

Henry Smokler has been named general counsel for the PGA of America. Smokler, who began service October 5, is based in Palm Beach Gardens,

Fla., and reports to PGA Chief Executive Officer **Pete Bevacqua (L'97).** Smokler is responsible for all legal affairs for one of the world's largest working sports organizations, including all corporate, strategic and tactical legal initiatives.

1998



Mary (Molly) Calkins has joined Akerman as a partner, working in the firm's consumer financial services practice group. Calkins joins Akerman from the Consumer Financial Protection Bureau's Division of Supervision, Enforcement & Fair Lending, where she led investigations into a broad array of potential consumer protection violations. Her enforcement matters involved fair lending, auto finance, mortgage lending and servicing, credit cards and bank deposit products, credit reporting, student loans and debt collection.

1999

Brian Winterfeldt has joined Mayer Brown's intellectual property practice in Washington, D.C., where he will serve as co-leader of the firm's global brand management and Internet practice. He was previously with Katten Muchin Rosenman.

2001



Uma Everett has been named a director (partner) in Sterne, Kessler, Goldstein & Fox's litigation group. Everett has represented clients in patent cases in federal courts and before the U.S. International Trade Commission in the pharmaceutical and electronics industries. Everett has extensive experience representing clients in the pharmaceutical industry in litigation arising under the Hatch-Waxman Act and is experienced in the development of all aspects of case strategy and the efficient management of complicated electronic discovery issues.

Alfredo Gomez has been named the senior vice president, general counsel and corporate secretary at Guidance Software, based in Pasadena, Calif. Gomez previously served as deputy general counsel at Hanmi Bank and general counsel at the publicly traded Emcore Corp. In these positions, he directed and executed legal strategies in the areas of contracts, litigation, employment, compliance, governance and securities.



Meredith R. Weinberg was elected partner at Perkins Coie, where she is a member of the firm's environmental, energy and resources practice in the Seattle office. She represents corporate and municipal clients involved in multiparty cleanup litigation under the Comprehensive Environmental Response, Compensation, and Liability Act; Washington's Model Toxics Control Act; the Clean Water Act Section 404 permitting and storm water matters; Safe Drinking Water Act enforcement cases; and state and federal tribal disputes. Weinberg counsels clients on environmental regulations and compliance, including due diligence in support of real estate transactions. She speaks and writes regularly on Clean Water Act issues.



Ralph Winnie (LL.M.) was selected by the National Committee for U.S.-China Relations to attend a reception and dinner honoring President Xi Jinping in Seattle in September. Winnie was also interviewed by China Central Television (CCTV) in July regarding Chinese investment in the New York observation wheel; gave remarks at "The Role of Religion in Peace-Building" sponsored by the Universal Peace Federation's Office of Peace and Security Affairs; spoke at the second annual Doing Business with the Eurasian Economic Union Conference in December at the Russian Trade Mission and the Russian Cultural Centre in Washington, D.C.; and met with Puerto Rico Gov. Alejandro Garcia Padilla at the National Press Club. He was also present to hear Pope Francis address members of Congress on Capitol Hill on September 24. Winnie is the vice president for business development at the Eurasia Center.

2002



Barak Cohen (G'98) was promoted to partner at Perkins Coie. He is a member of the firm's white-collar and investigations practice in the Washington, D.C., office, representing companies and individuals in criminal and government enforcement matters before federal and state law enforcement authorities as well as regulatory agencies. Cohen also conducts internal investigations and provides compliance advice. As part of his commitment to the community, Cohen is a member of the West Point Society of the District of Columbia and the Wounded Warrior Mentor Program.



Lisa C. Hagan (LL.M.) has joined Hawkins Delafield & Wood as a partner in the newly opened Ann Arbor office. Hawkins is the only national law firm in the United States whose practice is devoted primarily to public finance and public projects.



Kerry Halpern was named partner at Reed Smith, based in the firm's Philadelphia office. She is a member of the corporate and transactional advisory group, focusing on executive compensation and employee benefits. She counsels both public and private companies throughout North America and Europe in a variety of industries, including financial services, life sciences, consumer products and technology. Halpern also serves as an adjunct professor at Drexel University's Thomas R. Kline School of Law.



Driscoll Ugarte has been named partner at Duane Morris. He is in the firm's corporate practice group and Boca Raton, Fla., office. Ugarte practices in the area of corporate law, focusing on private equity, emerging companies, mergers and acquisitions, securities and general corporate law.

2003



Jeffrey C. Corey has been named shareholder in the Salt Lake City office of Parsons Behle & Latimer. Corey, a member of the firm's litigation and environmental departments, concentrates his practice on white-collar criminal defense, environmental litigation and securities matters.

James V. "Jay" Williams (LL.M., F'92) was promoted to special counsel in the structured finance and derivatives group of Schulte Roth & Zabel. He focuses on securitizations and other structured finance transactions, as well as derivatives. Williams practices in the firm's New York City office.

2004



Phillip Bower is a leader of Whyte Hirschboeck Dudek's environmental law team. He is a shareholder in the firm's Madison, Wis., office, and counsels clients on environmental compliance and risk management associated with business operations and transactions, including air permitting, water permitting, hazardous waste and EPCRA issues, and the investigation, remediation and redevelopment of contaminated properties.



Emily Wang Murphy was elected to partner at Thompson Coburn. She counsels owners and executives of private and public companies on day-to-day corporate matters as well as their long-term business objectives. Murphy has negotiated and closed a variety of complex and strategic transactions, including acquisitions and divestitures, equity and debt financings, and other corporate transactions on behalf of her clients. She also advises clients on securities regulation issues and represents public and private issuers in connection with various securities offerings. In the area of export finance, Murphy has successfully closed corporate, asset-backed and small project financings for the Export-Import Bank of the United States.

2005

Jason Behrens has joined Schulte Roth & Zabel as special counsel in the firm's New York City office. He focuses his practice on private equity and hedge fund formation. Behrens previously served as an associate at the firm and rejoins after having served as general counsel at ACE Portal.



Joseph P. Cutler was promoted to partner at Perkins Coie; he is a member of the firm's privacy and data practice in the Seattle office. Cutler manages rapid-response teams for Internet clients to defend against illegal spamming, phishing, hacking and other forms of malicious online activities. He counsels clients in areas related to privacy and data security, consumer protection law and Internet law. Cutler is also a founding member of the Blockchain Technology and Digital Currency industry group, where he advises clients that deal with bitcoin and other crypto-currencies to develop and implement anti-money-laundering programs and comply with a host of financial services laws and regulations.

Dave Jonas (LL.M.) has been named a partner at Fluet, Huber + Hoang. He practices in Virginia.

Natalie Khawam is president of the Whistleblower Law Firm in Tampa, Fla. She hosted a reception for the Tampa Bay Legal Community in October, and is an active member of the Military and Veterans Affairs Committee and the Federal Bar Association in Tampa Bay. Khawam is opening an office in Washington, D.C., this spring.



Perry Lange has been promoted to partner at WilmerHale. Based in the firm's Washington, D.C., office, Lange is a member of the regulatory and government affairs and antitrust and competition practices.



John P. Schreiner was elected partner at Perkins Coie; he is a member of the firm's corporate governance and transactions practice in the Chicago office. Schreiner counsels public and closely held established and emerging companies in their daily business needs, ranging from negotiating vendor and customer contracts to sale and succession-planning matters. He also represents public and private companies in mergers and acquisitions, private equity financings, lending transactions, corporate governance and other matters.



Darren Teshima, a partner at Orrick, Herrington Sutcliffe, was recently named to the National Asian Pacific American Bar Association's 2015 Best Lawyers Under 40 list. This annual list recognizes individuals who have "achieved prominence and distinction in their respective fields" and have demonstrated a "strong commitment" to the Asian Pacific American legal community.

IN MEMORIAM

KATHERINE MCCARTHY: 1970-2015

She was "one of those people who made us who we are," said Father Paul Rourke, S.J., director of campus ministry, at the memorial service for longtime staff member Katherine McCarthy, who passed away September 25 at the age of 45. The service, which was held December 14 in a packed Gewirz Student Center, celebrated Katherine's life with prayer, song and eulogies from family, friends and co-workers.

Hers was a "life generously lived in service to others," said Dean William M. Treanor. "And we miss her every day."

The daughter of former Dean David McCarthy, Katherine grew up at the Law Center. She worked here college summers and became special assistant to the dean in 1996. She had served as assistant to the dean for Law Center board relations since 2005.

Katherine graduated Phi Beta Kappa from the University of Notre Dame, and was a doctoral candidate (ABD) in art history from the University of Virginia, where she was awarded a Presidential Fellowship.

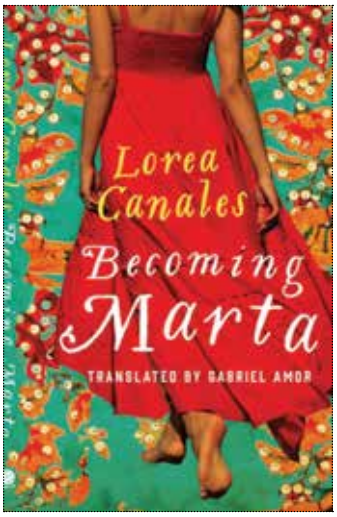
"Katherine was the glue that held us all together," said her friend and colleague Anna Selden, echoing similar comments made both at the memorial and in a online tribute page.

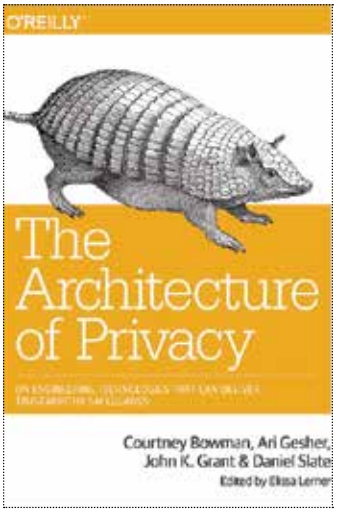
"Our family often judges others most by their hearts ... and Katherine's heart was as wide and as deep and as giving as any we have ever known," said Rep. John Delaney (L'88), D-Md., and April McClain-Delaney (L'89) on the page. McClain-Delaney also spoke at the memorial service.

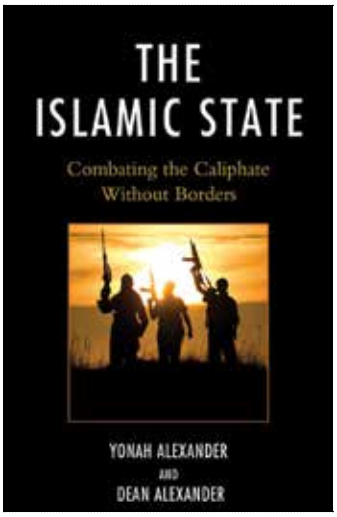
Katherine is survived by her parents, siblings and several nieces and nephews. In her honor the Katherine McCarthy Peer-to-Peer Awards will be given to Georgetown Law staff members who best exemplify her qualities of service and selflessness.

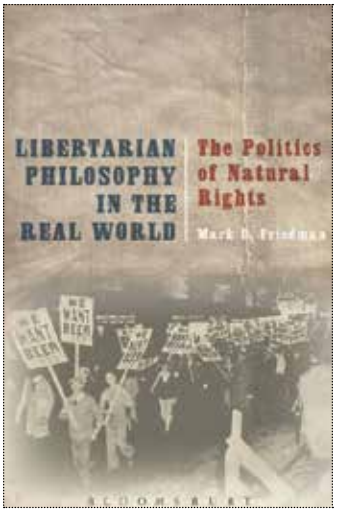
Robert J. Araujo, S.J. (C'70, L'73)
Roger Bissett (L'54)
Timothy J. Coleman (L'90)
Thomas F. Daly (L'64)
Bernard Dempsey Jr. (L'67)
Henry L. Diamond (L'59)
Robert D. Douglas Jr. (C'32, MA'33, L'36)
Cornelius H. Doherty Jr. (C'57, L'59)
Richard Duda (L'60)
Carole Jean Dunn (L'77)
John T. "Jack" Enoch (L'51)
Leo Fishman (L'64)
Edward T. Foote II (L'66)
Thomas E. Holum (L'68)
James F. Henriot (L'54, LL.M.'61)
Richard T. Horigan (C'48, L'50)
Maxim Iascone (L'18)
Edwin J. Kronfeld (LL.M.'62)
Kenneth Kujawa (LL.M.'74)
Adedayo Lesi (G'12, L'12)
Linda Morgan (L'76)
Clarence L. Simpson (L'58)
Hugh Montgomery Smith (L'54)
Benjamin F. Montoya (L'80)
Paul M. O'Connor Jr. (L'60)
Priyadarshini Thangarajah (LL.M.'15)
Jon M. Widrick (L'02)

Alumni Authors









Dean C. Alexander (C'86, L'91) has co-authored *The Islamic State: Combating the Caliphate Without Borders* (Lexington Books, 2015). "The so-called 'Islamic State' (IS) that has swept into power in parts of Syria and Iraq presents an imminent danger to the global community with its capacity as an effective, ideologically motivated, and bloodthirsty fighting force, coupled with its expanding territorial reach, on the ground and online," the publisher's website states. "This book offers insights into the nature of the IS and what the international community can do to combat it." Alexander is director of the Homeland Security Research Program and professor of homeland security at the School of Law Enforcement and Justice Administration at Western Illinois University.

Lorea Canales's (LL.M. '95) *Finding Marta* (Amazon Crossing, 2016) is an English translation of her first novel, *Apenas Marta*. It tells the story of 26-year-old Marta, whose father abandons her adoptive mother in her final moments, according to Amazon.com. "After her father's swift remarriage, Marta is surprised to discover that she is now the sole heir of her late mother's sizeable estate. For the first time, she can choose to cut ties and establish her true self."

Karen (Angelo) Fortunati's (L'89) soon-to-be-published young-adult novel *The Weight of Zero* (Random House/Delacorte, October 2016) features 17-year-old Catherine Pulaski, "who knows Zero is coming for her. Zero, the devastating depression born of Catherine's bipolar disease, …" the author's website states. "This is a story of loss and grief and hope." The manuscript was awarded the 2014 Society of Children's Book Writers and Illustrators Work-in-Progress Grant in the Contemporary YA category. It was named a finalist in the 2015 Tassey-Walden Awards Contest and won the Serendipity Literary Agency 2013 YA First Page/Novel Discovery Contest.

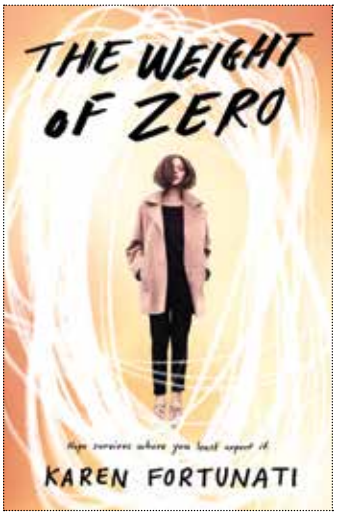
Mark D. Friedman's (L'80, MSFS'80) second book of political philosophy, *Libertarian Philosophy in the Real World: The Politics of Natural Rights* (Bloomsbury), was published in December. "Robert Nozick's *Anarchy, State, and Utopia* is widely recognized as one of the most influential works of modern political philosophy," the publisher's website states. "*Libertarian Philosophy in the Real World* not only provides a concise and accessible introduction to Nozick's ideal rights-based, minimal libertarian state, but for the first time applies this moral framework to America's liberal democracy."

The Architecture of Privacy: on Engineering Technologies that Can Deliver Trustworthy Safeguards (O'Reilly Media, 2015) by **John Grant (L'07)** and co-authors Courtney Bowman, Ari Gesher and Daniel Slate, acknowledges that this is a book for "privacy beginners" as well as those who know something about law and privacy policy "but can't read code to save their lives." But with chapters on data collection, information security, federated systems and audit logging, this is also a book for those already immersed in information technology. The book features a quotation from Professor Julie Cohen to open the first chapter and a foreword by Professor Paul Ohm.

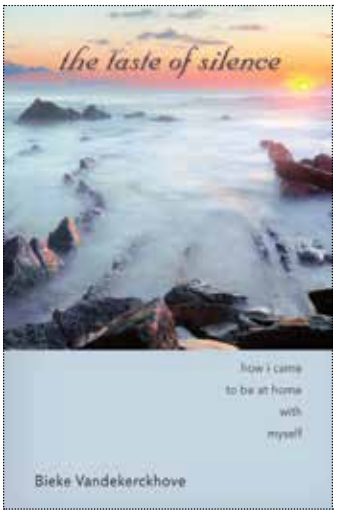
Dr. Yousef Jabareen (S.J.D.'03) published an article in the *George Washington University International Law Review* (Vol. 47:3, 449-480) entitled "The Arab-Palestinian Community in Israel: A Test Case for Collective Rights Under International Law." Jabareen has served as a law lecturer at the University of Haifa and Tel-Hai Academic College as well as the founding director of the Arab Center for Law and Policy, Dirasat, based in Nazareth. He was elected to the Israeli parliament in 2015. (For a profile, see page 74.)

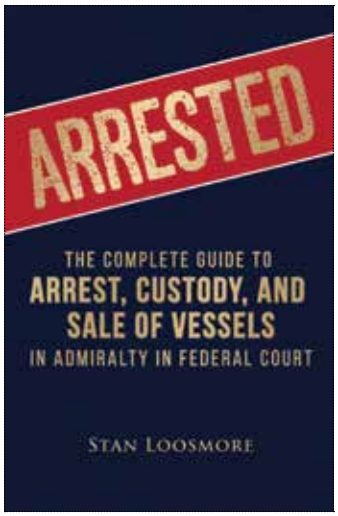
John R. Jenchura (L'76) has penned the second edition of *Golf — a Good Walk & Then Some: A Quintessential History of the Game* (Mountain Lion Press, 2015). "The newly released second edition … highlights new stars such as Rory McIlroy, Bubba Watson, Stacy Lewis, Lexi Thompson, Lydia Ko and the rise of the Asian women golfers," the press materials state.

Stan Loosmore (L'74) has written a book on the unique federal court procedures of vessel arrest, custody and sale. *Arrested: the Complete Guide to Arrest, Custody and Sale of Vessels in Admiralty in Federal Court* (Ancient Mariner Press, October 2015) contains everything you need to file and complete a vessel arrest lawsuit. This definitive practice guide contains 87 figures — sample pleadings and documents — every one of which is directly based on a pleading or document that has been used in a federal admiralty foreclosure case. Each figure is annotated and presented in a form that can be scanned and modified for use.









James J. McDonald Jr. (L'84) has written *California Employment Law: An Employer's Guide* (Society for Human Resource Management, 2015) for employers who must understand and adhere to employment law in California, including those based outside the state but with employees in-state. Serving as a resource for businesspeople and HR professionals, the book offers a straightforward and practical presentation of all aspects of California employment law, according to a release from Fisher & Phillips, a national labor and employment law firm where McDonald is a managing partner of the Irvine office.

Rebecca Natow (L'00) has written *The Politics of Performance Funding for Higher Education: Origins, Discontinuations and Transformations* (Johns Hopkins University Press, May 2015) with Kevin J. Dougherty. "Performance funding ties state support of colleges and universities directly to institutional performance on specific outcomes, including retention, number of credits accrued, graduation, and job placement, …" the publisher's website states. "[The authors] explore the sometimes puzzling evolution of this mode of funding higher education."

Adjunct Professor Marc Rotenberg (LL.M.'13) has published the third edition of *Privacy Law and Society* (West Academic, 2016), which he co-authored with former Georgetown Law Professor Anita L. Allen. Billed as the "most comprehensive textbook on privacy law ever produced," the book "traces the development of modern privacy law from the early tort cases to present day disputes over drone surveillance and facial recognition," the publisher's website states. "The text includes new material on developments in the European Union, decisions grounded in fundamental rights jurisprudence, and exposes readers to current debates over cloud computing, online profiling, and the role of the Federal Trade Commission. *Privacy Law and Society* is the leading and most current text in the privacy field."

Jose Serralvo (L'11) has just written his second work of fiction, *El niño que se desnudó delante de una webcam* [*The boy who took off his clothes in front of a webcam*] (Los Libros del Lince, 2015). For the last four years, Serralvo has been working with the International Committee of the Red Cross (ICRC) in Geneva and in the field. He has lived for more than a year and a half in Colombia and the Democratic Republic of Congo, and carried out short missions in Somalia, Kenya and Nigeria. After a brief stay as a visiting scholar at Columbia University, he will become a legal adviser to the ICRC Operations in Afghanistan.

Chuck Sheehan (L'79) published an article in the *American Journal of Legal History* (Vol. 55, Issue 3) titled "Charles Fahy's 'Brilliant Public Service as Solicitor General': A Reply to Peter Irons" (September 2015). The article examines the role of Georgetown Law alum S.G. Fahy (L'1914, H'42) and assesses assertions by Irons and Professor Neal Katyal that Georgetown Law alumnus Fahy's "suppression of evidence" infected Supreme Court decisions upholding the Japanese-American exclusion program.

Rudolf V. Van Puymbroeck (L'76) has translated *The Taste of Silence* (Liturgical Press, 2015) from the Dutch. The book, by Bieke Vandekerckhove, contains 27 short chapters that chronicle the author's "search for meaning and strength" in the face of ALS, Lou Gehrig's disease, with which she was diagnosed at age 19. The practice of Benedictine spirituality and Zen meditation became, as she says, "the two lungs through which I breathe." This work won the Best Spiritual Book 2011 award in Belgium.

Diane Webber (LL.M.'10, S.J.D.'14) recently published *Preventive Detention of Terror Suspects: A New Legal Framework* (Routledge, 2016). The book offers a comprehensive and critical analysis of the detention of terror suspects under domestic criminal law, the law of armed conflict and international human rights law. It takes a comparative look at the law in a number of key jurisdictions, including the United States, the United Kingdom, Israel, France, India, Australia and Canada, and compares it to preventive detention under the law of armed conflict and various human rights treaties.

Ralph Winnie (LL.M.'01) penned an article titled "Russia's Shale Gas Revolution" in the fall 2015 issue of the *Foreign Area Officer Association Journal of International Affairs*. Winnie is director of the China program at the Eurasian Business Coalition, where he is also the business development representative for North America.

Alumni Essay

A Week Inside a Baby Jail

By Lindsay Harris (LL.M.'15)



In the months since thousands of women and children have been detained at the U.S. border, volunteer immigration lawyers have been helping them fight deportation so they can live with families in the United States while their asylum claims are pending. A number of Georgetown Law alumni have joined in this effort. Lindsay Harris is one of them.

It was not until I sat on the plane that it hit me. I felt the tightening in my throat and the tears forming in the corners of my eyes. It was only then that I could allow myself to fully process what I had witnessed firsthand. Only when I was on my way back to my own baby could I actually begin to reflect on the fact that I had just spent the week working inside a jail for babies.

I am an immigration lawyer. I represent women fleeing gender-based violence. For the last four months I have been part of the CARA Family Detention Pro Bono Project of the American Immigration Council and its efforts to end the detention of immigrant mothers and children seeking refuge in the United States.

I was well aware of the chaos that we fondly refer to as "OTG" — on the ground at the U.S. government's South Texas Family Residential Center in Dilley, Texas. And if that sounds like military terminology, it should. Being in Dilley did feel like being on the ground in a constantly shifting war zone. Every day, our OTG staff and volunteers fought mini-battles alongside mothers arriving at the facility. Battles to prevent families from languishing in detention, subject to pervasive and arbitrary delays in the adjudication of their cases and their release and reunification with family members in the United States. Battles to ensure that Immigration and Customs Enforcement (ICE) officers and guards and the employees of the private prison contractor, Corrections Corporation of America, treat mothers in a dignified manner; that they do not wake them in the middle of the night, escort them outside, rip up their immigration documents and tell them that the prior notification that they would be released from detention had been revoked. Battles to advocate for toddlers to receive adequate medical care when suffering from protracted illnesses and infections without antibiotics. Battles to insist that mothers who speak indigenous languages receive information and opportunities to communicate in their native languages.

Each day is a series of battles to provide the most basic of services to these vulnerable yet courageous mothers and children who have risked everything to seek safety in the United States. The government insists on holding them en masse in this largest immigration detention facility (capacity 2,400) far from urban centers with their robust pro bono legal services.

It is here, in Dilley, that the government has determined that each mother who fears return to her home country must undergo a formal interview with an asylum officer to establish that she has a significant possibility of eligibility for asylum or other protection. After a brief orientation to the process and the collection of basic biographic information, we prepare each mother for her interview or court hearing.

Interruptions abound — that little voice so familiar to mothers worldwide, "I'm hungry mama, *tengo hambre mamá*," or sometimes wailing from an untreated ear infection or enforced separation from the tantalizingly colorful candy bars in the ill-placed vending machines.

Despite the interruptions and the high volume of mothers we must see each day (up to 150), we explain the process, pepper the client with questions to simulate an asylum interview or interaction with a judge, and then help each woman understand how her case fits into the convoluted, messy area of asylum law known as "particular social group" and "nexus."

As an attorney who specializes in gender-based asylum cases, I thought it was bizarre to be precisely formulating and articulating a particular social group within minutes of meeting a client. Doing this and establishing the nexus of the harm under asylum laws were often the last pieces of the legal case to come together in my practice at the Tahirih Justice Center and when supervising students at Georgetown University Law Center's clinical program.

This penultimate moment of case preparation is often after painstaking hours of interviewing clients, drafting declarations, generating statements from family mem-

bers and witnesses, thoroughly researching country conditions, and consulting with experts on the client's country of origin. That a woman should be forced to undergo an interview in which she must be able to establish that her case meets these rigorous and confusing standards so soon after she has fled from danger is not only unjust but also a waste of government resources. Close to 90 percent or more of these mothers receive a positive determination after their first interview. CARA Project staff on the ground estimate that closer to 96 or 98 percent of the mothers receive positive results after review by a judge or advocacy resulting in a second successful interview.

And so, as I travel back to my little one, the tears come. The tears of a mother who cannot imagine living in a trailer camp behind intimidating metal fences for even one day — let alone weeks on end.

The tears come as I consider the horrific waste of the baby jail. The waste of volunteers and staff; of highly trained asylum officers who could instead be working at asylum offices nationwide; of immigration judges who could turn their attention to their overloaded dockets; of ICE agents and Customs and Border Patrol who could instead be focused on intercepting and disrupting human and drug trafficking operations. The waste of taxpayer dollars in detaining these children and their mothers at a cost of more than $1,000 a day for a family of three. And the biggest and most unforgivable waste — the loss of freedom. These little ones should be free with their mothers to discover the world around them — watching leaves turn red and gold or learning how birds' wings help them to fly. Instead, these curious toddlers waste their days in a barren landscape with uniformed guards waiting for legal appointments.

Like others who've taken time away from their own families to help these mothers and children, I return with one overwhelming belief: Family detention is unnecessary, unjust and wrong. And it must, must come to an end.

2006



Jessica Berman, a member of Meyer, Suozzi, English & Klein and part of the firm's bankruptcy and business reoranization practice, was named to the *New York Super Lawyers* Rising Star list for 2015.



Michele Sacks Fenkel has been elected shareholder at Hangley Aronchick Segal Pudlin & Schiller, where she focuses her practice on corporate and securities matters. Fenkel counsels public and private companies, entrepreneurs and executives on a variety of matters, including mergers and acquisitions, corporate governance and partnership matters, capital raising, commercial contracts, intellectual property and employment matters.

David C. Marden has joined Epstein Becker Green as a member and a litigator in the employment, labor and workforce management practice. He is based in New York City. Marden has previously represented clients in a broad range of commercial litigation matters, including contractual disputes, employment litigation, securities litigation, intellectual property, regulatory investigations, financial institution disputes, antitrust, corporate investigations, class actions and derivative actions, and whistleblower suits.



Max Masinter, a senior associate at DLA Piper in Baltimore, was appointed chair of the Unincorporated Business Associations Committee of the Maryland State Bar Association's Business Law Section. Masinter focuses his practice on corporate and finance law.



Brian M. Murphy was elected partner at Sutherland Asbill & Brennan. He advises public and private companies on commercial, merger and acquisition, and other corporate matters, including the purchase and sale of businesses, the structure of joint ventures and other strategic business alliances, the negotiation of complex commercial arrangements, technology transfer and licensing transactions, and corporate governance issues. He regularly advises clients in the payment card, financial services and electronic commerce industries. Murphy is based in Atlanta.



Kevin R. Reich has been named director in the business and commercial litigation department of Gibbons, working in the Newark office. Reich's practice encompasses a range of complex commercial matters in both state and federal courts, as well as in arbitration before JAMS and AAA tribunals. Reich represents corporations, individuals and state agencies in breach of contract and ERISA actions, fraud suits and financial disputes, including securities litigation.

Vanessa Scott (LL.M.) has been appointed the new chief diversity officer for Sutherland Asbill & Brennan. She helps to manage the firm's continuing development and implementation of firmwide strategic diversity initiatives and programs.



Gordon R. Smith, an attorney at Verrill Dana, was recognized by *Best Lawyers in America* for 2016 in the area of environmental law. He practices in the Portland, Maine, office.

2007

Taylor Kiessig was elected counsel at Sutherland Asbill & Brennan. He advises clients on federal and international tax planning and transactions and the taxation of financial products. He also counsels clients in structuring and negotiating domestic and cross-border taxable and tax-free mergers and acquisitions. He is based in Washington, D.C.

Michael J. Moldowan has been promoted to counsel at Davis Polk & Wardwell. He is counsel in the corporate department, practicing in the Capital Markets Group in New York City.

Matthew J. Moody recently became the law editor at Vault, based in New York City.



Lori Scheetz is a member of the international trade practice at Wiley Rein, where she represents clients on international trade issues, including export controls and economic sanctions matters, Foreign Corrupt Practices Act compliance, and antidumping and countervailing duty proceedings.

ALUMNI PROFILE YOUSEF JABAREEN (S.J.D.'03)



Yousef Jabareen (S.J.D.'03)

Researching his S.J.D. dissertation at Georgetown Law in the early 2000s, Yousef Jabareen (S.J.D.'03) compared the civil rights movement in the United States during the 1950s and '60s to the fight for civil and minority rights in Israel. It was a learning experience that would prove invaluable in his later work as a civil rights lawyer and now, as a member of the Israeli parliament. Jabareen was elected to the 20th Knesset in March 2015 as a member of the Joint List, a political alliance consisting of predominantly Arab groups. Why did he decide to pursue a career in politics? "It was my feeling that I could contribute to the struggle of our community, the fight of the Arab community for equality in Israel."

Jabareen is working to better the condition of Arab citizens of Israel with respect to housing, employment and education — where there are a lot of similarities to the struggles of African Americans in the United States. "Arab education in Israel lags behind that of the Jewish community," he notes, citing discrimination in resources, shortages of classes and fewer achievement opportunities for Arabs. "It's underfunded, and there is a need for comprehensive affirmative action policies…. There is a long way to go to bring Arab education to be on an equal basis with Jewish education."

While integrated schools are not prohibited, educational systems and communities are still separate for Arabs and Jews. Formal integration would likely mean that Arabs would study in Hebrew and be assimilated into the Jewish culture, history and heritage and lose their own. So ideally, Jabareen would like to see bilingual and binational schools with equal opportunities for both. "A Palestinian cultural heritage for Arab students and a Jewish cultural heritage for Jewish ones," he explains, "but also to give them the possibility to learn about each other, to study in one school and to integrate socially. I think this is a major flaw within Israel's education system, the fact that we don't have such a stream."

LIVING THE DREAM

Jabareen grew up in Israel in the Arab city of Umm-al-Fahm. He attended high school in Nazareth — serving as head of the student council — before studying law at the Hebrew University of Jerusalem, where he was head of the Arab student body. Afterward, he received a scholarship to pursue an LL.M. in international law at American University, where he grew to admire the rich cultural and political life of Washington, D.C. And he heard that Georgetown had high-level programs on constitutional law and civil rights. "I thought it would be a great place to advance in my study and get a better understanding of the issues," he says. "To do a doctorate at Georgetown, that was kind of a dream."

Coming from a disadvantaged community in Israel, Jabareen would ordinarily have had little chance financially, but his dream was fulfilled when he received a scholarship for Arab students offered by the U.S. State Department. At Georgetown Law, he spent a lot of time in the Williams and Wolff law libraries watching historical documentaries. "The relatively successful story of the [U.S.] civil rights movement gave me hope and energy and compassion about my own society," Jabareen says.

At Georgetown, he learned about the possibilities of the law but also of its limits. "Legal discourse, for me, was not enough to think about the more complicated picture of social change," he explains. "I went [to Georgetown] to get a broader exposure of other experiences of the world, of disadvantaged and marginalized minorities who are able to overcome discrimination and societal barriers. I'm glad I did, because my experience at Georgetown was very rewarding toward that end."

It helped that his adviser was Professor Peter Edelman — a constitutional scholar with a vision of social change, public policy and activism. His wider dissertation committee, too, consisted of a diverse group of standout scholars: Professor Lama Abu-Odeh, Professor Naomi Mezey and former Professor Charles Lawrence. "I got the professional tools, but I also got an education about the importance of public policy and a feeling that I could be a social agent for change. So I came back to Israel and started to teach."

AGENT FOR CHANGE

With his S.J.D. from Georgetown in hand, Jabareen joined the faculty at the University of Haifa and Tel-Hai Academic College, teaching courses on law and social change, minority rights and the legal status of Palestinians. He also co-founded a public policy institute in Nazareth called Dirasat, or the Arab Center for

Law and Policy, to provide position papers, research, conferences and seminars for the Arab community.

From Israel, he watched as the United States elected an African American president. "Watching [Obama's] victory speech, I had tears in my eyes," he says. "It was emotional for me because I saw among the people those who I watched in [those documentaries at Georgetown], people who I remembered from the civil rights movement, like Jesse Jackson."

In the years that followed, Jabareen realized he could do more to effect change. By 2015, he found himself one of the leading candidates in the Joint List in Israel's legislative election. The turnout of the Arab voter in that election was increased, which led to greater Arab representation in the parliament. Now, as a member of the Knesset, he's still grateful for his Georgetown education. "It's brought out the meaning of serving marginalized and disadvantaged groups as an academic but also as a politician," he says. "Being a graduate of Georgetown is very helpful when meeting people or contacting people…they are very respectful of my academic credentials and background, as well as my professional knowledge."

Israel, he says, still has a lot of discriminatory laws that create a system of classification of citizenship in Israel. Nevertheless, Jabareen has hope for the future. "Just like African Americans, we are also starting a march for first-class citizenship," Jabareen says. "We are in the beginning of this march, and it's a long march to go. In the '50s and '60s, if you had said that in 50 years you will have an African American president, [you might think that] it was impossible or that it will never happen, but here it did."



Adam S. Tope has joined Greenberg Traurig as a shareholder. He represents private equity, real estate, hedge fund, and venture capital sponsors in the formation, structuring, and operation of domestic and offshore investment funds.



Kendra (Berner) Yoch has been named partner at the Chicago law firm Franczek Radelet. She represents educational institutions in a variety of education law matters.

Mingda Zhao was named partner at Vinson & Elkins; he practices in the firm's Houston office. His principal areas of practice include mergers and acquisitions, private equity investments, joint ventures, energy transactions and cross-border transactions.



OPPORTUNITY SCHOLARSHIP PROGRAM

Opportunity Scholarships enable extraordinary students with significant need to attend Georgetown Law. These scholarships go to some of our most successful students — 30 percent of whom are first-generation college students.

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- A gift of $30,000 provides an Opportunity Scholarship to one student for three years.
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To discuss a donation to the Opportunity Scholarship Program, please contact Gene Finn, assistant dean for development and alumni affairs gene.finn@law.georgetown.edu or 202-662-9521.

Development News

Gifts in Action





Dean William M. Treanor, Scott K. Ginsburg and Georgetown University President John J. DeGioia pose in front of the newly renamed Scott K. Ginsburg Sport & Fitness Center; Ginsburg and Treanor tour the center.

Celebrating the Scott K. Ginsburg Sport & Fitness Center

Georgetown Law's Sport & Fitness Center has been renamed the Scott K. Ginsburg Sport & Fitness Center in recognition of Scott K. Ginsburg (L'78), whose generosity has made possible two beloved campus landmarks — the fitness center and the clock tower. Ginsburg (L'78) has helped create an endowed fund to support expenses related to the equipping, furnishing and maintenance of the center, which the Georgetown Law community has enjoyed since it opened in 2004. On September 8, the community celebrated Ginsburg's support and the naming of the center with family, friends, staff, faculty and students.

At a luncheon that included Ginsburg and Dean William M. Treanor, Georgetown University President John J. DeGioia reminded guests of the Jesuit tradition of *cure personalis* or "care of the whole person."

"The Scott K. Ginsburg Sport & Fitness Center embodies this commitment," DeGioia said. "It's a place designed to meet the holistic needs of our community … a place that enriches and strengthens our lives as individuals."

The center boasts a four-lane lap pool, locker rooms with whirlpools, a fitness area, two group exercise studios, one spinning studio, two racquetball courts and 8,400 square feet of multipurpose court space for basketball and volleyball.

In the last year, there have been more than 82,000 check-ins at the state-of-the-art center, with more than 9,000 people participating in group exercise classes and more than 13,000 people using the pool.

Regarding the clock tower, Treanor noted that Ginsburg felt strongly that the Law Center needed a focal point like other great colleges and universities. "It has truly become our symbol," the dean said at the reception.

Attendees included Ginsburg's daughter Laura Ginsburg Pierson (C'06, L'09), three sons and former Sen. John C. Culver, D-Iowa.

Ginsburg, a businessman and owner of Boardwalk Auto Group in Dallas, started his career on the Hill, working for Culver and former Sen. Dick Clark, D-Iowa. Ginsburg was a staff director and general counsel of the U.S. Senate's Labor Subcommittee on Employment, Poverty and Migratory Labor. He later used his law degree to build a career in radio.

"Certainly at this Law Center I had learned and I had achieved more than I ever thought I could," Ginsburg told the crowd, noting that every day before law school classes he worked out to stay healthy. "If you keep your body healthy and you keep your mind healthy, you will achieve more … you will be successful, and most of all, you'll be proud of yourself."

2008



Troy Carnrite, an attorney in Bradley Arant's Tampa office, has earned his certification as a registered agent of the National Football League Players Association. Carnrite represents athletes and entertainers in a variety of matters, including team contracts and endorsement deals.

Daniel E. Newman has been promoted to counsel at Davis Polk & Wardwell. He is counsel in the corporate department, practicing in the Financial Institutions Group in New York City.

2011



Amanda Baer has been named to the 2015 Massachusetts *Super Lawyer* list. She is an associate in the labor, employment and employee benefits group and litigation group at Mirick O'Connell.

2012

Daniel Harawa was recognized as one of *Forbes Magazine's* "Top 30 Under 30" in law and policy. Harawa is an appellate staff attorney at the Public Defender Service for the District of Columbia.

Douglas MacLean is executive director of Justice Without Borders (JWB), which seeks to empower victims of human trafficking and exploitation to pursue legal remedies against their abusers in targeted host countries by building support networks across national borders. JWB recently celebrated its official launch in Hong Kong, organized an inaugural series of workshops on access to just compensation for returnees in Indonesia, and collaborated with the National University of Singapore's law faculty to offer a semester-long legal clinic as part of an elective curriculum.

Katie Shay has joined Yahoo as legal counsel on business and human rights. In her new role, Shay executes Yahoo's initiatives to promote privacy and free expression on the Internet and to identify innovative solutions to human rights challenges.

2015

Anne T. Ben-Ami has joined Hollingsworth as an associate in the firm's Washington, D.C., office. She practices in the firm's complex litigation, pharmaceutical products, and toxic torts and products liability groups.

Christopher H. Haake has joined Hollingsworth as an associate in the firm's Washington, D.C., office. He practices in the firm's complex litigation, pharmaceutical products, and toxic torts and products liability groups.

Abraham J. Shanedling has joined Hollingsworth as an associate in the firm's Washington, D.C., office. He practices in the firm's complex litigation, pharmaceutical products, and toxic torts and products liability groups.

Michael P. Smith has joined the energy and natural resources department of Brownstein Hyatt Farber Schreck. He works in the firm's Denver office.

2016

Brook Hill is the winner of the 2016 Dick Hill Memorial Lecture prize. Before law school, Hill worked on tenants' rights issues in New York City. As an evening student, Hill has worked for the Washington Lawyer's Committee for Civil Rights and Urban Affairs. He has been awarded a post-graduate Equal Justice Works fellowship to represent tenants in buildings that are timing out of subsidy and thus help to preserve affordability and ensure compliance with fair housing laws.

Terry Iannaconi (B'65) was honored by the organization D.C. Law Students in Court with the 2015 Nathan A. Neal Award for Outstanding Advocacy.

2017

Alexander Patten was awarded a 10-week summer fellowship from the Peggy Browning Fund to work at Farmworker Justice in Washington, D.C. He first became interested in employment law while interning at the Department of Homeland Security as an Equal Employment Opportunity analyst. He witnessed the discrimination and harsh working conditions employees face in both the public and private sectors. While a student at Florida State University, he founded the school's undergraduate moot court team.

Mubeen Malik was named to the *Forbes* "30 Under 30" Social Entrepreneur list. The article reports that Malik "co-founded 1DocWay, which was recently acquired by Genoa to become Genoa Telepsychiatry. Through an online telepsychiatry platform, the company connects users to medical professionals who can assist with mental illness and emotional disturbances. Malik now serves as vice president of telepsychiatry operations."

Sochie Nnaemeka was awarded a 10-week summer fellowship from the Peggy Browning Fund at the New Orleans Workers' Center for Racial Justice in New Orleans. After graduating from Yale, she spent five years working for Unite Here, organizing hundreds of students, workers, elected officials and the unemployed around issues of racial and economic justice. She has interned at the Center for Popular Democracy as a Haywood Burns Fellow and served as a law clerk in the general counsel's office of the AFL-CIO.

Johanna Schmidt was awarded a 10-week summer fellowship from the Peggy Browning Fund to work at the union-side law firm Murphy Anderson in Washington, D.C. She came to law school after serving at AmeriCorps VISTA with low-income, minority, prospective first-generation college-bound high school students. In working with her students, Schmidt's interest for furthering economic justice ignited as she saw the continual need for economic justice and equality. This led her to the labor movement to help workers gain power in their societies.

2008 **Bimal Patel**



Bimal Patel has been promoted to partner in the Washington, D.C., and New York City offices of O'Melveny & Myers. He heads the firm's financial advisory and Regulation practice, and specializes in matters related to financial services, public policy and political strategy. Patel represents major financial institutions and their counterparties, including sovereign wealth funds, hedge funds and private equity funds in complex transactions, litigation and matters before the federal banking agencies and the Department of the Treasury.

Alumni Events

REUNION 2015

Left column, from top:
Alumni and guests enjoy the 2015 Reunion gala at the National Building Museum on Saturday, October 17. Paul R. Dean Alumni awardee Frank Wolf (L'65), Robert F. Drinan S.J. Law Alumni Public Service Award winner Judge M. Margaret McKeown (L'75, H'05), Dean William M. Treanor and Dean awardees Leslie Turner (L'85) and Sara Crown Star (L'85). The 2015 Reunion Cup for Attendance went to the Class of 2005.

Right column:
The Georgetown Gilbert & Sullivan Society sing-along on Saturday drew enthusiastic alums to the 12th floor of Gewirz Student Center. Jeffrey Mikoni (L'05) leads the singing with Brandon Fullencamp, a community member of the group. There were plenty of opportunities for good food, drink and conversation at the Taste of D.C. and other events on Saturday. Amparo Estefania Palomino (LL.M. '16) at an Outlaw student event. Hoya Lawyas take selfies on the Tower Green.

Oppostite, left column from top:
Peter J. Romatowski (L'75), Suzanne Romatowski and David Ketter (L'75) enjoy their 40th class party on the roof of Jones Day. This year's Founder's Circle Luncheon on Friday, October 16, featured a special celebration honoring Professor Sherman Cohn (F'54, L'57, LL.M. '60) for 50 years on the faculty. Members of the Class of 1995 pose for their 20th reunion photo.

Opposite, middle and right columns:
Christine Macey (L'10), Jean-Marc Chanoine (L'10) and Nicholas Nyemah (L'10) celebrate their five-year reunion. This year's Black Law Students' Association brunch featured a talk by Leslie Turner (L'85). Paul Cullen (C'62, L'65) and Edward Kovach (C57, L'60) enjoy the Supreme Court panel on Friday. Brad Winter (L'95), Chester McPherson (L'95) and Jennifer Hardy (L'95) pose at their 20th reunion party in Gewirz Student Center.











SAM HOLLENSHEAD (6)












SAM HOLLENSHEAD







SAM HOLLENSHEAD


MELISSA DORN (7)

In the Public Interest

When the Snow Fell, They Answered the Call



ALEXANDER ATKINS

Posing with D.C. Central kitchen staff are (front row) Ruby Hsin-Yun Han (L'16), Maya McKenzie (L'17), Gabrielle Rejouis (L'18), Kelsey Waldron (L'18), and Samantha Novack (L'18). Back row: Nadia Kalhori (L'17), Alexander Atkins (L'17), Ambur Smith (L'18), Amee Frodle, (L'18), Arielle D'Auguste (L'16).

Hailing from Wisconsin, Ambur Smith (L'18) has never been afraid of a little snow. The same goes for her Section 3 classmate, Gabrielle Rejouis (L'18), who hails from New Jersey.

So when the storm known as "Snowzilla" shut down Washington, D.C., in January, Smith and Rejouis didn't shut themselves in their residence hall. They answered the call of Gewirz Center resident fellow Alexander Atkins (L'17), alerting students that D.C. Central Kitchen on Second Street was short-staffed on volunteers because of the storm.

"If I could make better use of [the time] and also give back to the surrounding community, I thought that would be the best thing I could do," Smith says. The Georgetown Law students were tasked with making coleslaw and hot soup. "It was a great time; I learned a new recipe," Smith adds.

Rejouis was already familiar with D.C. Central Kitchen, having volunteered there as part of her IL Orientation service project. "I grew up seeing leaders serve," she says, adding that her parents dedicate a lot of time to their church back home. "If I have the opportunity to give back, I will."

As for Atkins, he had volunteered earlier with resident fellow Bridget O'Malley (L'16) and Ruby Hsin-Yun Han (L'16). And they, in turn, had answered a call from Jillian Edmonds (L'16), who volunteered with approximately eight Georgetown Law student members of the Women's Legal Alliance.

"I knew that the blizzard wouldn't stop their need for volunteers, but if WMATA wasn't running and the roads were impassable, most of their volunteers would have no way to get there," says Edmonds, who assists at the kitchen every couple of months. "It's important for the law students on campus to give back to the community because it's a large part of Georgetown's culture and mission. It makes us better people and better attorneys. I was really glad that we were able to help out … to make sure that people in D.C. got food if they needed it."

Spotlight: Sara Crown Star (L'85)



Since graduating from Georgetown Law, Sara Crown Star (L'85) has built a career as a community leader and philanthropist, helping numerous nonprofits fulfill their missions. Yet Star is not one to just sit around in board meetings; this alumna wants to get things done.

A member of Georgetown Law's board of visitors, Star and Dean William M. Treanor have been working hard to ramp up the Law Center's business skills program (see page 20), bringing in former *Washington Post* CEO Stephen P. Hills as director and visiting professor. To Star, who comes from a family of business leaders and entrepreneurs, this new vision makes perfect sense.

"Today's new businesses are startups, run by entrepreneurs and people thinking of new ideas to make life easier," Star explains. "Law students need to be comfortable with risks and to know how to get things done. Those are the lawyers that today's entrepreneurs want."

GETTING IT DONE

When Star — the granddaughter of the late industrialist and philanthropist Henry Crown and the daughter of businessman Lester Crown — grew up in Chicago, a constitutional law class in high school whetted her appetite for the law. She headed south for college at the University of North Carolina, majoring in political science and industrial relations, which provided a foundation in business and economics.

After her sophomore year, Star interned on Capitol Hill for Stan Brand (L'74), then the general counsel of the U.S. House of Representatives. She lived in a dorm room at Georgetown University's Henle Village. "It was magical," she says of that first taste of Washington, D.C. "I was mesmerized by the stories, by the energy of the city."

Her family put her in touch with David Bazelon, who had served as chief judge of the U.S. Court of Appeals for the District of Columbia Circuit, and Jack Valenti, longtime president of the Motion Picture Association of America. These illustrious contacts were only to be called upon in case of a college student emergency, but Star called them up and invited them to dinner — grilling steaks on a hibachi on her apartment roof. "It was such a fun evening," she says, smiling.

Bazelon and his wife, Mickey, would return the favor when Star was a law student at Georgetown, inviting her to lunch at a restaurant frequented by Supreme Court justices. Star was captivated. "They were these giant figures, but also just normal people," she says.

At the Law Center, Star thrived in Bob Pitofsky's antitrust class, Wendy Perdue's civil procedure course and the late Steve Goldberg's contracts class — where she once won a t-shirt for correctly answering a question on mutual mistake (learning something about business incentives along the way). "To me, it was a big deal," she says. "I won something and that made it fun . . . I was a sponge, soaking up as much as I could."

Crown practiced real estate law in New York and Chicago for 10 years, but after joining the board of the Erikson Institute for Early Childhood Education, she began to do legal work for nonprofits. For the University of Illinois Craniofacial Center, she was a founding member of an advisory board. For Chicago's St. Chrysostom's Day school, she raised enough funds to build a playground so the pre-schoolers could have an outdoor play space in the city. For the Thacher School in Ojai, California, she ran the annual auction, tripling the amount raised. Star served for 15 years in various capacities on the Latin School of Chicago board and for 12 years as a governor for Hebrew Union College, where she created the Star Cantorial Fellows Program, a leadership program for outstanding cantors. For the Jewish United Fund of Metropolitan Chicago, Star serves on the board and just chaired the 2015 Annual Campaign, which raised over $83 million dollars to benefit 300,000 people in the Chicagoland community and nearly 2 million worldwide.

Star serves on the governing board, the Jewish Committee and the Health and Human Services committee of Crown Family Philanthropies. In addition, she serves on the board of The Crown Family Foundation, which supports educational, medical and poverty initiatives in Chicago and Israel. She co-produced an off-Broadway play, which was a *New York Time*'s Critic's Choice and is still traveling regionally, called "Handle With Care," and she is currently involved as an investor in an upcoming Broadway musical called "Gotta Dance." Finally, Star is committed to her own immediate family: her husband, James, and their three children, now young adults.

For her contributions to the Law Center, her community and the legal profession, Star was awarded Georgetown Law's 2014 Alumnae Award and the 2015 Paul R. Dean Award. Now, she's thrilled to work with the Law Center as it builds the new business skills program.

To honor her mentors, Star created the David and Mickey Bazelon Fellowship at Georgetown Law in 2012, sending graduates to the Judge David L. Bazelon Center for Mental Health Law for a two-year public interest fellowship. "Georgetown was wonderful in helping me create that opportunity for future students, and in honoring the legacy of Mickey and Judge Bazelon," she said.

— By Ann W. Parks

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